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Non-democratic Elements in a Consociational Model: The Case of Lebanese Confessionalism

Abstract

The paper analyses the functioning of the Lebanese confessional model in practise and its dynamics after the 1975–1990 civil war. A growing wave of public discontent with sectarianism in the postwar period has called the legitimacy of the system into question. The paper investigates the sources of confessionalism's setbacks by focusing on two issues: the impact of confessionalism on the functioning of political institutions at the highest level as well as on the procedures for electing political representation (its electoral system). It illustrates the ways in which a model of consociational power sharing, democratic in principle, can degenerate towards an oligarchic regime.

Key words: Lebanon, sectarianism, confessionalism, semidemocracy, power-sharing

1. Introduction

The paper analyses the functioning of the Lebanese confessional model in practise and its dynamics after the 1975–1990 civil war. A growing wave of public discontent with sectarianism in the postwar period has called the legitimacy of the system into question. The paper locates the sources of confessionalism's setbacks in the postwar settlement introduced in Taef and investigates this by focusing on two issues: the impact of confessionalism on the functioning of political institutions at the highest level, as well as on the procedures for electing political representation (its electoral system). It illustrates the ways in which a model of consociational power sharing, democratic in principle, can degenerate towards an oligarchic regime.

Lebanon stands out from its Arab neighbours as rather an unusual example of institutionally guaranteed multi-religious coexistence. Its political system, which was built upon the principle of equality, respect

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and the right to proportional representation for each of the Lebanese confessional communities, is distinctive in the region. Such a statement by no means undervalues the gravity of the several setbacks the Lebanese political system has faced in recent decades. The aim of the paper is to address the fact that this rare example of a confessional power-sharing system is today being fiercely contested as 'sectarian' by the people upon whom it was bestowed more than 60 years ago. And more importantly, it also aims to link these protests with the dynamics within Lebanese confessionalism that were heavily influenced by the political events that took place in the period between 1990 and 2005. The paper attempts to investigate the mechanisms which led to its corruption, revealing how the Lebanese political system, initially based on consociational principles, degenerated into an oligarchic, sectarian cartel system. It presents the gradual dismantling of a constitutionally settled institutional order and its replacement with informal practices that include non-democratic elements within the electoral system (an uneven playing field) as instrumental in a process referred to as deinstitutionalization.[1] As a result, the Lebanese witness confessionalism as being compromised and as having turned into a facade for growing undemocratic rule. This analysis is then situated in a wider debate concerning the effectiveness of the consociational model and factors that could have led to its deterioration.

The Lebanese political system, based on a proportional sharing of power between all confessional communities, is referred to as confessionalism, a confessional system or consociationalism. Both confessionalism and consociationalism are considered examples of a power-sharing model. Confessionalism can be treated, however, as a variant of the consociational model, in which power would be divided among segments that differ in terms of religion and denomination.[2] Interestingly, the term confessionalism is rarely used in Lebanon and most English language publications in which the system is more often referred to as sectarianism (in Arabic *taifiyya*). Imad Salamey, a Lebanese political

[1] See G. Helmke, S. Levitsky, *Informal Institutions and Democracy Lessons from Latin America*, Baltimore: The John Hopkins University Press, 2006; O. Schlumberger, 'Structural Reform, Economic Order and Development: Patrimonial Capitalism', *Review of International Political Economy*, Vol. 15, No. 4 (October 2008), pp. 622–649; M. Bratton, N. Van de Valle, 'Neopatrimonial Regimes and Political Transitions in Africa', *World Politics*, Vol. 46, No. 4 (June 1994), pp. 453–489.

[2] See A. Lijphart, 'Consociational Democracy', *World Politics*, Vol. 21, No. 2 (January 1969), pp. 207–225; K. Trzciński, 'Istota i główne modele power-sharing w kontekście wieloetniczności. Zarys problematyki', *Przegląd Polityczny*, Nr 3 (2016), pp. 27–40.

scientist, differentiates between state consociationalism and sectarian populism, considering sectarianism a form of populism and, moreover, sees it as the main obstacle impeding the Lebanese transition to democracy. This view is shared by many ordinary Lebanese as well as those who are involved in the political struggle against the system and demand its replacement with a more democratic one. It is worth pondering the reasons behind this terminological distinction as well as on its analytical consequences.

Lijphart and other theoreticians initially worked on consociationalism as an alternative model of democracy. Implementing consociational arrangements in political systems, however, does not necessarily imply consociational democracy.[3] The latter would demand consociationalism combined with the existence of a democratic regime, which is not always the case. Furthermore, some features of consociational systems could lead to ambiguous outcomes in certain political contexts. The privileged role of the elites, implied by a consociational model, in practise means that the real power sharing necessarily remains in the hands of the leaders and politicians, who act on behalf of their communities' and according to their interests. The literal participation of each community would otherwise at best be a complex issue in the context of a deeply fragmented society. Communal leaders necessarily then 'represent' the actual communities' participation in the power sharing, which in turn remains symbolic. This however may lead to a situation in which the elites monopolise access to power and state resources. The centre of the political game is then located within a cartel of communal elites, built around personal ties, relations and networks of contacts, controlling decision making processes that are to a lesser extent transparent or accountable.

Another ambiguous outcome arises from the fact that, on one side, consociational arrangements protect communities' rights and guarantee their share in power, but on the other, they tend to strengthen communal identities and preserve segmental cleavages, which can possibly hamper the process of building intercommunal ties and mitigating communal conflicts.[4] The last statement seems to be supported by Salamey, who

[3] Lijphart, 'Consociational Democracy'..., pp. 207–225.

[4] This is even more sharpened as confessional communities and their leaders often seek external, regional patrons who in turn openly interfere in internal Lebanese politics. See: M. Kerr, *Imposing Power-Sharing. Conflict and Coexistence in Northern Ireland and Lebanon*, Irish Academy Press, 2006; T. Fakhoury Mühlbacher, *Democratisation and Power-Sharing*

claims that state consociationalism remains feeble as a result of bestowing too much autonomy on the confessional segments and also, because of persisting sectarian populism, which in turn impedes state-building and nationhood in a deeply fragmented society. [5] It seems then that confessionalism, in Salamey's analysis associated with state consociationalism, carries a rather neutral and theoretically grounded meaning. Sectarianism however has clear pejorative connotations, denoting negative consequences stemming from the prevalence of religious affiliations in public life and the functioning of a corrupt system. Even members of the Lebanese political establishment – confessional elites, who are the main beneficiaries of the system – are often heard publicly complaining about sectarianism and equating it with the general malfunctioning of the Lebanese state. The system has been moderately criticised since the end of the civil war but such criticism gained new impetus after the Syrian regime withdrew its troops from Lebanon in 2005 and it was further enforced in the aftermath of the Arab Revolutions in 2011. Recently, various Lebanese civil society organisations have begun to openly campaign for abolishing the sectarian system, rejecting the entire formula as undemocratic, corrupt and a facade for class hegemony.[6]

This lexical duality between confessionalism and sectarianism might then be a reflection of a certain split, perhaps pointing at the difference between the principle and its actual realisation. The origins of the split highlight interesting issues concerning the dynamics of a consociational model and factors determining its effectiveness. Hence, taking the practical functioning of both terms, it is worth examining the course of a consociational model's distortion towards a sectarian regime in Lebanon.

The sectarian regime, which has become a sort of 'bad product', is being contested as undemocratic. It preserves, however, certain remnants of democracy – since the end of the civil war Lebanon has had parliamentary elections and the Lebanese press also enjoyed relative freedom of speech. On the other hand, elections have not been regular, in the last five years alone they have been postponed three times, have last been held in 2009.

in Stormy Weather. The Case of Lebanon, Wiesbaden: Verlag für Sozialwissenschaften, 2009.

[5] I. Salamey, P. Tabar, 'Democratic Transition and Sectarian Populism: the Case of Lebanon', *Contemporary Arab Affairs*, Vol. 5, No. 4, October–December 2012, pp. 407–512.

[6] See K. Karam, *Le mouvement civil au Liban. Revendications, protestations et mobilisations associatives dans l'après-guerre*, Paris: Karthala, 2006.

Meanwhile, independent candidates (outside the confessional political class) complain they face overwhelming obstacles while running in elections, leaving their chances of wining reduced to zero, while independent observers report of multiple cases of fraud in the course of voting. The Lebanese then are not given free choice in the election process. Theoreticians refer to such ambiguous cases as hybrid regimes, semi-authoritarianisms or semi-democracies.[7] An important factor to note at this point is the domination of the Syrian authoritarian regime over Lebanon that lasted until 2005. The Syrian army, which was initially sent in as a stabilising and peace force, soon embraced Lebanon in an iron grip that may also have significantly contributed to the consolidation of certain undemocratic elements within the Lebanese regime. Damascus' guardianship over confessional stability and reconciliation worked in favour of preserving the hegemony of the traditional political class, turning the Lebanese regime into a hybrid, eroded of its representative, democratic character.

One of the crucial things about hybrid regimes is the weakness of democratic institutions, which tend to be reduced to facades. The paper then investigates the way confessionalism impacts the functioning of these institutions. If the institutional order represents a buffer zone separating the public and the private spheres, and because of this is a marker of a democratic regime, then any disruption of this balance favouring the latter will immediately affect the state's autonomy, as rooted in the strength of its institutions. This would, in turn, reflect important shifts in the locus of power and the structure of power relations, indicating that power does not remain in the institutions conceived to hold it and therefore that the regime loses its accountability. It is necessary then to analyse relations between the highest institutional organs of the state and the functioning of the central administration in general. Taken together thus might give a clearer picture of the formal institutional order (or lack of it) and illustrate tendencies that could lead to the point in which the split between confessionalism and

[7] See L. Diamond, J. Linz, S.M. Lipset (eds), *Politics in Developing Countries. Comparing Experiences with Democracy*, Boulder: Lynne Rienner Publishers, 1995, pp. 7–8; M. Ottaway, *Democracy Challenged. The Rise of Semi-authoritarianism*, Washington: Carnegie Endowment for International Peace, 2003; S. Levitsky, L.A. Way, *Competetive Authoritarianism. Hybrid Regimes After the Cold War*, New York: Cambridge University Press, 2010, pp. 5–39, S. Heydemann, *Upgrading Autoritarianism in the Arab World*, Analysis Paper, No. 13, Washington: The Saban Center for Middle East Policy at the Brookings Institutions, October 2007, p. 1.

sectarianism might arise.

The paper is then divided into two parts: the first analyses the way confessionalism affected the functioning of political institutions at the highest level. It investigates three interconnected mechanisms that contributed to weakening the state institutional order, namely: unclear and sometimes overlapping division of competences between the highest state posts, gradual undermining of the formal institutions (devoided of their principle role and eroded of their representative character they are exploited by politicians for personal or communal interests), leading to a replacing of formal institutional procedures by informal practises. The second part looks at the way confessionalism impacts the Lebanese electoral system – the principle mechanism ensuring representativeness and a rotation of power. This looks at relations between the incumbents and their opposition, revealing in turn much about the character of the regime and its modes of consolidation.

2. Confessionalism and state institutions – deinstitutionalization?

The Lebanese institutional order is regulated by the Lebanese Constitution signed in 1926, the National Pact (1943), the Taef Agreement (1989) and Doha Agreement (2008).[8] According to its Constitution, the modern Republic of Lebanon was proclaimed as a result of a consensus among the Lebanese historical communities concerning their will to coexist in one political entity.[9] It was the National Pact from 1943, however, that precisely regulated the core of the power-sharing model in Lebanon. Conceived as a mere gentlemen's agreement made between the Maronite President Bichara al-Khuri and Sunni Prime Minister Riad as-Sulh, it consequently determined the future sharing of the state's highest posts with respect to all communities' right to receive a proportional representation. This practice remained unwritten for decades, but eventually was officially inscribed in the Constitution in 1989, along with other amendments of the peace accord signed in Taef at end the civil war.[10] The Taef Agreement

[8] The Taef Agreement*:* http://www.presidency.gov.lb/Arabic/LebaneseSystem/Documents/TaefAgreementEn.pdf (accessed 20.05.2016). Doha Agreement: http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Lebanon%20S2008392.pdf (accessed 20.05.2016).

[9] Lebanese Constitution Promulgated on May 23, 1926. With its Amendments: http://www.presidency.gov.lb/English/LebaneseSystem/Documents/Lebanes%20Constitution.pdf (accessed 20.05.2016).

[10] D. Madeyska, *Liban*, Warszawa: Trio, 2003, pp. 65, 200–202.

brought significant changes to the structure of power, above all equating Muslim and Christian representation in parliament and broadening the competences of the president, the prime minister and the speaker of the parliament.[11]

The paper focuses on these amendments viewing their consequences as crucial for the process of deinstitutionalisation in Lebanon in the postwar period. At first it seemed that the changes would result in improving political representation and reinforcement of parliament. However, a closer analysis of the consequences makes it difficult to sustain such a statement. The first Republic of Lebanon (1943–1989) was said to be characterised by the too strong position of the president, and therefore competition between him and the prime minister, which resulted in several political crises. In the second Republic of Lebanon (since 1989) these issues have not only not been resolved, but have complicated even further, contributing to greater confusion between the executive and the legislative.[12]

2.1. Unclear sharing of power and overlapping competences

According to its Constitution, Lebanon is a parliamentary republic with the president the head of the state but sharing executive power with the council of ministers. The president is the guardian of the Constitution and the symbol of national unity. He is elected by the parliament for a period of 6 years and his term cannot be prolonged (a legal article that has already been violated twice since 1989).[13] The Taef Agreement stipulates that the president designates the prime minister after consulting with parliament. He can block bills prepared by the cabinet, issue decrees with the acceptance of the prime minister or respective minister, negotiate and ratify treaties along with the chair of the cabinet. The president can also call the government to revise decisions made by parliament and even

[11] The Taef Agreement, pp. 1–6: http://www.presidency.gov.lb/Arabic/LebaneseSystem/Documents/TaefAgreementEn.pdf (accessed 20.05.2016). Elias Hrawi in 1994 and Emile Lahoud in 2004 had their terms prolonged for another 3 years, a decision imposed by the Syrian regime during its occupation of Lebanon.

[12] See A. Messarra, *Théorie générale du système politique libanais*, Paris-Cariscript-Beyrouth: Librairie Orientale, 1994; I. Salamey, *Politics and Governance of Lebanon*, New York: Routledge, 2014.

[13] Lebanese Constitution Promulgated on May 23, 1926. With its Amendments. Preamble and Articles 49, 51–63 and 73–75: http://www.presidency.gov.lb/English/LebaneseSystem/Documents/Lebanes%20Constitution.pdf (accessed 20.05.2016).

dissolve it in the event it fails to pass the budget.[14]

The prime minister is designated after long and exhaustive consultations with all political parties, as his appointment must satisfy all the demands of the major leaders, the preferences of the main political blocks, the interests of religious communities, not mentioning the preferences of regional patrons. The position of the Sunni prime minister was empowered as a result of the Taef Agreement. Previously subjected to the president, after Taef the prime minister became the second head of state. He chairs the cabinet and determines its work although in the latter he must cooperate with the president.[15]

Already problematic confusion within the executive, originating from institutionally rooted competitiveness (overlapping competences of the president and the prime minister), was after Taef further enhanced by quasi-executive competences bestowed upon the speaker. [16] The Agreement strengthened the role of the speaker in the following aspects: instances in which the parliament could be dissolved were much reduced, the speaker also gained the right to freeze the bill preventing the cabinet from issuing laws without the approval of parliament. An important change was that the Taef Agreement removed the article forbidding the prolongation of one's term as the speaker of parliament. This opened the way for Nabih Birri, leader of the Amal party, to remain in this post uninterrupted since 1992. Therefore, the speaker has a powerful position as he coordinates all the work of parliament, decides on the order of the sessions and negotiates between the groups submitting bill proposals. All that situates him in the position of an intermediator and a key player controlling the process of accepting bills. In his hands then is the right to exercise an indirect veto, a move frequently used by Birri to break off the

[14] Ibidem.

[15] The prime minister signs bills, decrees and treaties. Politicians can be designated as prime ministers multiple times, for example Rashid Karami was nominated 8 times, while Rafiq al-Hariri, a bussinesman and billionaire was holding this post for almost 10 consecutive years.

[16] The Speaker of the parliament is nominated for period of 4 years and this post since independence has been reserved for the Shiite community. It used to be rather representational and of minor importance for decades prior to the civil war, which reflected the historically marginal position of Shiites. This has changed however because in the postwar period Shiite political leaders demanded a greater access in the confessional sharing of power. See: 'Lebanese Parliamentarism: Shadow Plays and the Death of Politics', *The Lebanon Report*, No. 1, Spring 1996, p. 28.

law proposals that were potentially against his interests.[17]

The unclear division and overlapping competences between the highest organs of the state resulting from the Taef Agreement led to the creation of some sort of an informal triumvirate of the Maronite president, Sunni prime minister and Shiite speaker of the parliament. This so-called *troika* was formed on the edge between formal and informal institutions and determined the state's decision making processes for most of the 1990s. The case of *troika* remains an important one in describing the deinstitutionalisation problem in Lebanon, revealing that institutional conflict originating from overlapping competences has not been resolved in a legal way on purpose, because it was motivated by fierce rivalry between the confessional communities. Instead, conflicting powers had to be regulated by informal relations and ad hoc arrangements made by politicians holding the posts, at one time working things out together in a smooth way, while in another exploiting the possibility of provoking an institutional deadlock if it would suit their immediate interests. Being an informal political force, the strength of the *troika* largely depended on the personal charisma of the leaders who created it: Elias Hrawi, Rafiq al-Hariri and Nabih Birri. It is quite significant that they were called the pillars of the state at the time.[18] The utility of this triumvirate, on the other hand, revealed the institutional feebleness of the Lebanese state in its postwar period. The end of the Hrawi presidency in 1998 led to the end of the *troika*, leaving Lebanon prone to recurring states of institutional deadlock.[19] A remarkable example of how problematic it could get in a situation where the politicians holding these posts hardly get along was the fierce conflict between the President Emile Lahoud and Prime Minister Rafiq al-Hariri in 1997–2004. Gen. Lahoud, during both his terms strongly backed by the Damascus regime in all his actions, would openly challenge and obstruct most of the prime minister's political

[17] 'Lebanon, Fin de Règne. The Hariri Resignation and the Post-Taif System', *The Lebanon Report*, Vol. 6, No. 1, January 1995, p. 3. The leader of the Amal party – one of the most important blocks in the Coalition of March 8th – went beyond his competences several times, for example during the presidential elections in 2007–2008. As the speaker, he would manipulate with the order of the parliamentary sessions preventing taking decisions that would be against his political block. See: O. Nir, *Nabih Berri and Lebanese Politics*, New York: Palgrave Macmillan, 2011, pp. 101–103.

[18] See 'Presidents Adrift: A Leadership Troika and No Leaders', *The Lebanon Report*, Vol. 5, No. 6, June 1994, p. 3; 'Hariri the Third', *The Lebanon Report*, No. 4, Winter, 1996, p. 4; 'The Troika divided', *The Lebanon Report*, No. 4, Winter, 1996, p. 5.

[19] Nir, *Nabih Berri...*, p. 99.

moves, considering him a threat to Lebanese stability. The president would interfere in the meetings of the cabinet based on his constitutional right to chair the council, cancel some of the prime minister's political decisions, accusing him of fraud or engaging in open war, as was in the case with the privatisation of the telecommunication network.[20]

It must be noted that even though the concept of the *troika* retain its explanatory power primarily in reference to the Lebanese politics of the 1990s, it remains emblematic of the way the state continued to operate at its highest levels – all major political decisions are made dependent on the personal relations between confessional leaders. The events and processes that began at that time introduced certain precedences into Lebanese politics and therefore shaped the contemporary political situation.

2.2. Undermining state institutions by private interest

The case of the Lebanese parliament is also illustrative of the way institutions – fundamental for democracy – are becoming devoid of their principle role, eroded of their representative character and eventually subjected to the interests of political leaders holding posts within it.

According to the Constitution the parliament is elected for a period of 4 years and consists of 128 deputies. It remains confessional, which implies that the mandates must be divided equally between the Christian and Moslem communities, each getting 64 of the seats.[21] The Taef Agreement stipulates deconfessionalisation of the parliament and establishing a confessional senate that would instead represent the interests of all religious communities. Even though it was incorporated in the Constitution as Article 90 it has not yet been executed. The parliament proposes bills, levies taxes, accepts the budget, elects the president and appoints the prime minister. It can also remove the head of government as well as the ministers from their posts in case of treason or negligence of

[20] President Lahoud and Prime Minister Al-Hariri famously clashed over the issue of the privatisation of the cell phone sector. At first glance it seemed to be an argument whether the ownership of telecommunication network should be given into private hands. In time, however, it evolved into a conflict over the sphere of influence between the Syrian-backed president, demanding a state managed telecommunication sector, and anti-Syrian prime minister who was for private ownership. See: G.C. Gambill, 'Lebanon's Cell Phone Scandal', *Middle East Intelligence Bulletin*, Vol. 5, No. 1 (J2003), https://www.meforum.org/meib/articles/0301_l2.htm.

[21] Lebanese Constitution Promulgated on May 23, 1926. With Its Amendments. Article 24: http://www.presidency.gov.lb/English/LebaneseSystem/Documents/Lebanes%20Constitution.pdf (accessed 20.05.2016).

their duties.[22]

In the aftermath of the Taef Agreement more power has been shifted towards the prime minister and his cabinet, which has in turn contributed to the fact that the government practically holds a monopoly over legislative initiative, as well as the right to issue decree-laws.[23] It is then often pointed out that the actual centre of legislation and decision making process is located beyond parliament. Confessional leaders, in close collaboration and through behind-the-scenes negotiations, reach conclusions that later take the form of bills presented in parliament for their acceptance, leaving this organ instrumental and marginal.[24] Futhermore, with Rafiq al-Hariri becoming the prime minister in 1992, the structure and composition of the house of deputies was being gradually diverged, moving it far away from being a national, representative institution. In spite the fact that the number of deputies has grown, it is its composition that raises doubts, as many of the newly elected national deputies were ex-warlords, militia bosses, businessmen, millionaires or billionaires. They were granted an entrance into politics as a reward and an invitation to the financial benefits which have arisen in the absence of an actual and constructive opposition in Lebanon.[25] Parliament has since then been referred to as "so loyal and submissive that it is almost invisible".[26]

Hence, deputies are not viewed by the Lebanese as national representatives but rather as clients of the prominent confessional leaders, with their wellbeing and interests entirely depending on their loyalty to the patrons. The erosion of the parliament's representative character is further confirmed by the fact that the last general elections took place in 2009 and have been postponed since 2013 three times already. Another argument would be the low percentage of women deputies, their number

[22] Lebanese Constitution Promulgated on May 23, 1926. With its Amendments. Articles 25 and 65–70: http://www.presidency.gov.lb/English/LebaneseSystem/Documents/Lebanes%20Constitution.pdf (accessed 20.05.2016).

[23] 'Lebanon, Fin de Règne. The Hariri Resignation and the Post-Taif System', *The Lebanon Report*, Vol. 6, No. 1, January 1995, p. 3.

[24] Some of the laws were named after Syrian officials who were probably their authors, for example Ghazi Kanaan Law, from the name of the long time chief of the Syrian intelligence. Salamey, *Politics and Governance of Lebanon...*, p. 134.

[25] 'Lebanese Parliamentarism: Shadow Plays and the Death of Politics', *The Lebanon Report*, No. 1, Spring 1996, p. 29.

[26] M. Young, 'The Price of Politics', *The Lebanon Report*, No. 3, Fall, 1996, p. 22.

oscillating around 3%. Women exist on the political scene as long as they are wives, widows, daughters, sisters etc. of the prominent leaders.[27] It remains doubtful then whether the Taef Agreement actually renewed the parliament, improved its representative character and reinforced it by adding new competences to the speaker,[28] unless it is some peculiar sort of renewal and reinforcement. During both his terms Rafiq al-Hariri did introduce new political forces into the parliament, but these forces did not represent society as much as they did various business circles, reflecting a new political deal in the making. Parliament was simply taken over by this new class, as their forum of presenting and negotiating their particular interests.

The issue of cabinet formation as well as ministerial nominations could also be illustrative of the way state institutions are taken over by private interests. Public posts are perceived by confessional leaders as domains permitting access to services, which in return contribute to safeguarding their power. The appointment of ministers remains thus a highly contentious, competitive and hence a difficult task since the Agreement has increased the autonomy of ministries.[29] Ministries differ in size and resources, and thus provide different opportunities for their chiefs in terms of exercising influence.[30] Another important aspect is the proportion of ministries falling into the hands of the main ruling blocks: the Coalition of March 14th and The Coalition of March 8th .[31] The latter would long struggle

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[27] *Civil Campaign for Electoral Reform: Booklet of Reforms*, Beirut 2010, pp. 10–11.

[28] H. Krayem, 'The Lebanese War and Taif Agreement': http://ddc.aub.edu.lb/projects/pspa/conflict-resolution.html (accessed 16.12.2016). A counter argument is presented by Karam Karam in his article 'The Taif Agreement. New order, old framework' in E. Picard, A. Ramsbotham (eds), *Reconciliation, Reform and Resilience. Positive Peace in Lebanon*, Accord: International Review of Peace Initiatives, Issue 24, London, 2012, pp. 36–39.

[29] Issuing decree-laws and large autonomy in hiring government advisors and consultants. Salamey, *The Government and Politics of Lebanon...*, pp. 88–91.

[30] Lebanon has 18 confessional communities and each one received a proportional share in the power system. See: F. El-Khazen, *The Communal Pact of National Identities. The Making And Politics of the 1943 National Pact*, Oxford: Center for Lebanese Studies, 1991, pp. 35–43.

[31] The Coalition of March 8th considers itself to be 'an opposition' but it seems only a matter of terminology distinguishing it from the Coalition of March 14th. The boundaries between the opposition and the government are rather blurry and reflect the contemporary political split in Lebanon. Initially it was the March 14th that became the opposition to the pro-Syrian political establishment after the assassination of Rafiq al-Hariri in 2005. The March 8th began to call itself 'an opposition' in 2006 after withdrawing its ministers from Saad al-Hariri's cabinet. In fact both Coalitions do not express significant differences in their

for a safeguarding of its 1/3 share in the cabinet[32] in order to counter Prime Minister Saad al-Hariri from the rival camp, and potentially get the right to block any strategic decision. The Doha Agreement finally solved this more over 2-year dispute that led to a small civil war in May 2008, satisfying the demands of the March 8th. In effect, the coalition gained dangerous leverage – from now on it could threaten to withdraw its ministers from the cabinet whenever it suited its interests, a move that would immediately lead to the fall of the cabinet. This menace has lurked over every government since.[33]

2.3. The rule of the informal

Another dimension in which state institutions are weakened is that informal rules often take precedent over the formal institutional order, which is best exemplified by the prevalence of personalistic leadership and its multiple political consequences. This could, for example, be the case of Nabih Birri's occupation of the speaker's post for a quarter of a century, Walid Junbulat's clinging to the post of the Minister of the Displaced, as well as the peculiar tenure of the late Prime Minister Rafiq al-Hariri.

Al-Hariri's tenure was unprecedented in many respects. By taking advantage of his competences as a prime minister he built up a strong political position that no other Lebanese leader could have imagined from this post. The wide network of contacts and influence he built around himself had an enormous impact on the transformation of Lebanese politics, which was rapidly turning in effect into a massive business enterprise. During his two terms he introduced new actors to politics,

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political programs except their attitude towards the Syrian regime. Both are formed of confessional parties that are not interested in changing the basis of the system. Zob. Salamey, *The Government and Politics of Lebanon...*, pp. 88–91.

[32] Including key decisions such as declaring martial law, signing international treaties, constitutional amendments, passing the budget, electoral law, personal status reforms, giving citizenship, denouncing ministers and nominations for higher government position that require absolute majority. Nominating a number of ministers without portfolios became a solution satisfying ambitions of some leaders and gaining their support for the new cabinet. Ibidem.

[33] In January 2011 the government of Saad al-Hariri fell once again because the Coalition of March 8th withdrew its ministers in response to the Coalition of March 14th support of the International Tribunal for Lebanon investigating the case of the Al-Hariri's assassination, pointing at Hezbollah as the main responsible for it. See Lebanese government collapses, 13.01.2011:
http://www.aljazeera.com/news/middleeast/2011/01/2011112151356430829.html, (accessed 16.12.2016).

while parliament was basically turned into his royal court, filled with deputies that were either his business associates or partners, often billionaires as himself. The number of independent politicians in parliament fell in his time, which in turn raises doubts concerning the representative character of this organ.[34]

A term was even coined in reference to Al-Hariri's rule, namely harirism (also compared to Thatcherism and Reaganomics). It should be particularly understood in terms of a permanent blurring of the boundaries between the public and private spheres, which was typical for his actions. Harirism would represent a redefinition of these notions that would eventually permit an unprecedented colonisation and of the public domain by the private interests of business and especially real estate developers. Granting them access to public posts brought an intensification of practices oriented at maximising the financial profits of private groups with little or no regard to public benefit.[35] Another feature of his rule would be the constant bypassing and neglect of formal institutions or procedures, which was in Al-Hariri's discourse justified as actions oriented at accelerating economic progress and modernization.[36] Harirism was best reflected by its constant abuse of law in order to favour investment, especially in real estate, that prompted some analysts to define its functioning by the quote 'exception as the rule'.[37] State institutions have since then been gradually undermined by creating hybrid, para-governmental agencies or power centres that would replace the official organs. The scope of informal networks of patronage was as a result widened and elevated, leading to the creation of an alternative administration. In Al-Hariri's words, this was a remedy for the slow and backward state bureaucracy, hampering economic growth. This was illustrated by the cases of the Council of Development

[34] I. Salamey, 'Consociationalism in Lebanon and Integrative Options', *International Journal of Peace Studies*, Vol. 14, No. 2, Autumn/Winter 2009, pp. 83–105.

[35] A detailed and critical record of Al-Hariri's rule was prepared by his long-time opponent, an independent deputee Najah Wakim. See his *Black Hands*, published in Beirut in 1998 (in Arabic).

[36] R. Leenders, 'Nobody Having Too Much to Answer for: Laissez Faire, Networks, and Postwar Reconstruction in Lebanon' in S. Heydemann (ed.), *Networks of Privilege in the Middle East. The Politics of Economic Reform Revisited*, New York: Palgrave Macmillan, 2004, pp. 169–200.

[37] See M. Fawaz, 'Neoliberal Urbanity and the Right to the City. A View From Beirut's Periphery', *Development and Change*, Vol. 40, No. 5, 2009, pp. 827–852; M. Fawaz, M. Krijnen, 'Exception as the Rule. High End Developments in Neoliberal Beirut', *Built Environment*, Vol. 36, No. 2, 2011, pp. 117–131.

and Reconstruction, a quasi-ministry referred to as Al-Hariri's private "Bureau" or the so-called *troika* power structure. Both functioned as the actual decision-making organs not necessarily as part of the constitutionally settled institutional order.[38] The assassination of Rafiq al-Hariri in 2005 and the following withdrawal of the Syrian occupation forces did not prompt the newly elected government to undertake efforts to reform the state administration nor put an end to nepotism and corruption. The consequences of the almost decade-long tenure of Al-Hariri Senior are still felt in the way state institutions are functioning.

In summary, Lebanese political institutions suffer from the lack of a clear division of power and subjugation to private interests. Parliament remains a feeble institution in which the only interests that are actually represented are the ones of ex-warlords, businessmen and real estate developers. Its weakness was further deepened by replacing the constitutionally designed institutional order with informal practices, reflecting a consistent tendency to move the locus of power outside the institutions that were formally conceived to hold it. Such changes were enabled by the postwar political settlement – the amendments introduced with the Taef Agreement. On one hand, these solutions were a response to the system's setbacks that had caused the civil war. Some improvements had to be implemented to satisfy the demands of the marginalised sects and their leaders, otherwise the Lebanese risked plunging the civil war again. On the other hand, the political consequences of these amendments, namely broadening the competences of certain organs combined with the unclear and overlapping division of powers, have led to the perpetual institutional paralysis and crisis of the state. Finally, it would lead to the rise of alternative structures of power, operating beyond the paralysed formal institutions and actually replacing them, such as the *troika*. What clearly emerges from this picture is that democratic institutions in Lebanon have simply been turned into facades hiding the actual structure of power relations.

The postwar political settlement in Lebanon also had an important regional dimension that must not be overlooked. Syrian tutelage, lasting until 2005, exercised significant influence on the dynamics of the Lebanese political system. Damascus considered confessionalism instrumental in exercising control over its smaller neighbour and did not interfere in communal leadership as long as confessional politicians were

[38] See Naba, *Rafiq Hariri un homme d'affaires...*, pp. 30–60.

loyal to the Assads. The Syrian regime in some way incorporated confessionalism into its structure of domination over Lebanon, exploiting it according to its interests, supporting one confessional leader against others, empowering some confessional leaders by providing them with Syrian political networks or dismissing others – if it would benefit Damascus.

3. Confessionalism and the procedures of electing political representation

Lebanon has a majoritarian electoral system where people vote on lists. The number of candidates on each list depends on the amount of confessional mandates credited for particular districts. The division of mandates in each district is determined by its confessional composition, proportionally to the size of each community. The amount of confessional mandates per district was settled according to the national census that took place in 1932. Electoral lists are then necessarily multi-confessional not only as a reflection of districts' diversities. Above all it serves to promote inter-communal alliances, mitigate inter-communal rivalry by moving competition to the intra-communal level as well as favouring moderate candidates, whose will to cooperate with leaders of other sects would in turn enhance their chances to win.[39]

The organisation and conduct of postwar elections in Lebanon has raised, however, several doubts in terms of their fairness and transparency, concerning each and every stage of its course. At the initial phase of designing electoral districts, it is pointed out that the sizes of districts are objects of constant political manipulation and bargaining, aimed at maximising the chances of certain political alliances winning. Even declaring such practices as unconstitutional by the Constitutional Court in 1992 did not put an end to it.

The Lebanese administrational division consists of 6 provinces referred to as *muhafaza*, ruled by governors (*muhafiz*), further divided into 25 smaller districts – *kada* – governed by *ka'im makam*. This division should be the basis for electoral districts but it is more often that not modified by distinguishing additional, smaller districts, starting from the first general elections after the end of the civil war in 1992. The number of districts has been growing since – in 2000 and 2005 reaching 14, while in 2009 almost 26, as it was based on kadas. Such parceling of electoral

[39] Salamey, *The Government and Politics of Lebanon...*, pp. 113–117.

districts, according to some analysts, favours the main party blocks and secures their electoral success.[40] Electoral districts are thus formed by splitting or joining kadas in a way that fits best the confessional leaders and their alliances. Differences in electorates' sizes carry grave consequences for the weight of some votes.[41]

Designing electoral districts is then a craft of great political importance. Their size and religious composition matters for it can maximise the chance of winning for certain blocks. For example, the practise of dividing large and confessionally homogenous districts into smaller ones, which are then arbitrarily joined with others, serves to undermine political opponents by diminishing the weight of some votes.[42] In the 1996 general elections, Lebanon was divided into electorates that were based on the administrational provinces. Except one province – Mount Lebanon, known for its Christian majority – that was broken into a few smaller districts, a move then interpreted as an attempt to undermine Christian votes. It was declared unconstitutional but the government did not withdraw from its decision, explaining it was only a one-off action.[43]

Electoral solutions encouraging vast interconfessional coalitions and competing for votes of other communities, were in principle aimed at promoting moderate candidates – willing to cooperate with other communities and seek their support – and marginalising radical ones, who would only seek their own sects' support. In reality, interconfessional electoral alliances turned out to be short-lived and a means to an end – securing entrance to parliament. The rather instrumental approach to this principle was further confirmed by the fact that it would not be uncommon for some parties to compete in one district and then form joint lists in another.[44]

What is more, reform of the electoral system remained for a long time a non-negotiable issue in Lebanon, a sensitive point upon which the rule of the confessional elite lay. First anti-confessional political initiatives would not openly declare their wish to dismantle the confessional system,

[40] I. Salamey, 'Parliamentary Consociationalism in Lebanon: Equal Citizenry vs. Quotated Confessionalism', *Journal of Legislative Studies*, Vol. 14, No. 4, December 2008, pp. 451–473.
[41] M. Young, 'The Price of Politics', *The Lebanon Report*, No. 3, Fall, 1996, p. 22.
[42] 'Lebanon's Supreme Soviet', *The Lebanon Report*, No. 3, Fall, 1996, p. 4.
[43] Ibidem.
[44] Salamey, 'Consociationalism in Lebanon and Integrative Options'..., pp. 97–99.

only raising the issue of an electoral reform instead.[45] Traditional communal leaders however objected and still object to any change because it would obviously be the first step to challenging their hegemony.[46] The majoritarian system diminished the chances of independent parties and candidates of forming their own lists and competing with mainstream political blocks. Politicians from outside the confessional cartel were then entirely dependent on the sectarian political class that forces them to become their clients. Hence, electoral law seemed to be a very important tool in maintaining the political domination of the confessional elite.[47] In June 2017, after a few years, Lebanese political leaders finally came to an agreement concerning the new electoral law for the elections scheduled for 2018. For the first time in Lebanon they adopted a proportional system, in which voters will be also able to choose their preferred candidates.[48] Even though such reform has been appraised as long awaited by those who oppose the hegemony of the confessional political class, it is also noted that the new design of electoral districts raises many doubts concerning the real chances for independent candidates to challenge traditional leaders.

Major doubts concern not only the design of the electoral system but also the course of voting. Reported cases of buying votes or direct foreign interference clearly undermined the democratic nature of the elections.[49] Buying votes, in spite of being widely condemned, is still openly practised in Lebanon, which has not only changed the outcome of the voting itself but compromises the whole procedure of selecting political representation. Patrons ensure their clients vote according to an agreement because each voter receives a ready-made, signed voting card prior to election day. Leaders are also able to exercise strict control over the course of voting given that in the event that any of the distributed cards not being returned during the elections, one would expect consequences. Even though the law precisely stipulated that there should be only one model of voting cards, patrons have still issued and distributed signed

[45] See Karam, *Le mouvement civil au Liban*....
[46] Salamey, 'Consociationalism in Lebanon and Integrative Options'..., pp. 85–87.
[47] Salamey, *The Government and Politics of Lebanon*..., pp. 124–125.
[48] https://en.annahar.com/article/594740-lebanons-new-election-law-explained (accessed 03.06.2017).
[49] Damascus regime would openly interfere in the list of candidates and the division of the electorates. See 'Lebanese Parliamentarism: Shadow Plays and the Death of Politics', *The Lebanon Report*, No. 1, Spring 1996, p. 29.

cards to their voters. Members and volunteers of civil society organisations monitoring the elections have continued reporting of multiple other violations committed during the voting process.[50]

Another factor seriously limiting the voting power of the citizens was the necessity to vote in the place of one's residential registration. As a result, people did not vote in the place they live in, but in the place – town or village – in which their parents or grandparents were registered during the national census in 1932. Since that time the Lebanese have simply 'inherited' their registration regardless of where they actually live. The only instance in which one can change this registration has been when women get married – they take the registration of their husbands' male ancestors.[51]

The situation was equally murky at the municipal level, where elections ought to take place every 6 years. After the civil war the government kept postponing them for several years simply by extending the mandates of the municipal councils every consecutive 6 years from 1963 onward. A grassroots campaign stopped this unlawful procedure and successfully forced the government to call an elections in 1997.[52] During the elections, people choose the members of municipal councils and *muhtars*, officials who are responsible for registering civil matters. Their number depends on the size of a city, every quarter should have its own *muhtar*. The composition of the municipal council is not bound by confessional quotas but sectarian balance and proportionality is traditionally respected. The head of the municipal council is its president, appointed from the council members. The city councils are responsible for managing local affairs but their autonomy is much reduced by confessional leaders from the central administration, often pushing the municipal officials aside as their clients. As a result, local councils remain largely in the background of the political game that is played out at the central level. In spite of the fact that the Taef Agreement stipulated decentralisation and more autonomy for municipalities, such initiatives

[50] Members and volunteers of the Lebanese Association for Democratic Elections (LADE), an NGO monitoring the election process since 1996, report on multiple cases of buying votes, correcting votes or ghost voting, by people considered dead or living abroad. During the last municipal elections in 2016, the act of buying votes was widely covered in the media – reporters were showing dollar bills offered voters at the ballot boxes.

[51] Salamey, 'Consociationalism in Lebanon...', pp. 90–95.

[52] The last municipal elections before 1997 took place in 1963. As the result of a grassroots campaign the Prime Minister Rafiq al-Hariri withdrew from his prior decision of prolonging municipal mandates for another time. See Karam, *Le mouvement civil au Liban...*, p. 179.

are constantly blocked by the central authorities.[53]

During the May 2016 municipal elections a first non-confessional list of candidates to the city council was presented. A collective named "Beirut Madinati" was formed by independent experts and mostly NGO-based activists who proposed a programme of how to deal with the most urgent problems in the Lebanese capital.[54] Even though the list received significant support (around 30 thousand votes in Beirut) it did not get a seat in the council, mostly due to the limits caused by the majoritarian system.[55]

4. Conclusions – a semi-democracy?

Having said that, it seems that the electoral system is widely misused in order to preserve the rule of the confessional political class. The procedures of electing political representation are distorted into the procedures of eliminating challenges to the regime, which in the Lebanese case should be referred to as hybrid and semi-democratic – in general characterised by the existence of an uneven playing field between the incumbents and the opposition. Semi-democracy, as defined by Larry Diamond, Juan Linz and Seymur Martin Lipset, refers to regimes in which democratic procedures do exist but their execution is largely limited.[56] Political pluralism is permitted to a certain degree and some opposition parties are also legal and allowed to run in the elections. Elections, however, are not fair nor free, therefore the chances for the opposition to succeed are scarce, taking into account the advantageous position of the incumbents. A semi-democratic regime tolerates civil rights to some extent because it prevents it from completely losing its legitimacy. And this is the case with the Lebanese regime – it respects freedom of speech, the large media sector enjoys a certain amount of liberty, even in criticising the main political leaders. It should be noted, however, that the critical discursive functions simply in terms of rivalry between leaders remains a part of the system.[57]

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[53] See S. Atallah, 'False Independence: Municipalities and Central Authority', *The Lebanon Report*, No. 2, Summer 1998, p. 10.

[54] http://beirutmadinati.com/candidates/?lang=en (accessed 13.05.2016).

[55] Beirut shocks its old guard: a challenge to the stinkers: http://www.economist.com/news/middle-east-and-africa/21698599-established-leaders-are-jolted-party-protest-beirut-shocks-its-old-guard (accessed 13.05.2016).

[56] See L. Diamond, J. Linz, S.M. Lipset (eds), *Politics in Developing Countries. Comparing Experiences with Democracy*, Boulder: Lynne Rienner Publishers, 1995, pp. 7–8.

[57] See S. Levitsky, L.A. Way, *Competetive Authoritarianism. Hybrid Regimes After the Cold War*, New York: Cambridge University Press, 2010; L. Diamond, J. Linz, S.M. Lipset,

Both mechanisms described above, deinstitutionalisation as well as consolidating the power of the confessional class via control over the electoral process, contribute to the Lebanese political system being classified as a semi-democracy. Confessional arrangements could be seen as instrumental in this.

The Lebanese often compare the rule of their confessional leaders to the rule of a mafia and call themselves hostages of the confessional cartels. Such statements are directly linked with the formation of the postwar political order in Lebanon, designed mainly to satisfy the demands and ambitions of the warlords, who in return agreed to put down their guns in 1989. Imad Salamey refers to the Lebanese political regime as an example political feudalism, in Arabic *al-ikta al-siyasi*.[58]

It could successfully preserve and consolidate itself mainly because the confessional patrons for decades held a monopoly over the government and state institutions through which they could control resources, since then perceived as their sole domains of influence. Disposition of these resources became a matter of political agreement, according to which the scope of each leader's sphere of influence was precisely designated, proportionally to his power. That however would not be possible without control of the electoral process and without undermining the strength of state institutions. The informal structure of power that was built in place of the formally ordained institutional structure with time developed and expanded, becoming extremely difficult not only to control but also to contest. Blurring responsibilities and undermining state institutions is, according to Marina Ottaway, one of the main features of regimes transitioning towards hybrid power structures that she names semi-authoritarianisms, while others refer to it as semi-democracy or pseudo-democracy.[59] The Lebanese system, never fully democratic, in the postwar period only continues to drift even further from that. This gradual but important turn was initiated in the 1990s, in the aftermath of the Taef Agreement. Informal institutions and practices continuously undermining and replacing formal institutional procedures have led to the erosion of the system's democratic potential.

'Building and Sustaining Democratic Government in Developing Countries. Some Tentative Findings', *World Affairs*, Vol. 150, No. 1, Summer 1987, pp. 5–19.

[58] Salamey, 'Parliamentary Consociationalism...', p. 464.

[59] See M. Ottaway, *Democracy Challenged. The Rise of Semi-authoritarianism*, Washington: Carnegie Endowment for International Peace, 2003; L. Diamond, 'Thinking About Hybrid Regimes', *Journal of Democracy*, Vol. 13, No. 2, 2002, pp. 21–35.

It must be stated that this rule by sectarian oligarchs is possible because confessionalism remains an important pillar sustaining the regime in its hegemonic, nondemocratic and deviated form. Above all, this was possible because confessional principles became instrumental in corrupting the electoral system. Manipulating the division of electorates clearly reveals how the confessional system is used by communal elites to consolidate their hegemony. The principle of proportionality and safeguarding each community's right to representation is being diverged towards a form of executing control by confessional leaders over their communities. Leadership must remain within the same confessional clans, transmitted from fathers to sons (or sons-in-law), sometimes allowing a variation passing it from fathers to daughters. The ubiquitous network of patrons' influences, enforced by institutional arrangements has successfully prevented the development of any constructive opposition that would survive a clash with the confessional political class. Hence, in its deviated form, confessional principles function as pretexts to limit open and fair competition as well as access to political posts, blocking the rotation of political representation and thus resulting in the monopolisation of leadership. Confessionalism is instrumental in this process, in a indirect manner causing the regime's transition towards a semi-democracy.

Sectarianism, as Salamey understood it as a form of populism, remains then a sort of nourishment sustaining the confessional regime. It is the principle determining the structuring of the rule as well as its conduct. Political leaders use sectarian sentiments to justify their presence, legitimise their hegemony and above all, to boost their power. How to link this with the processes described above? Deinstutionalisation, understood as a gradual dismantling of the state's institutional order and replacing it with informal procedures and practices, is an example of an instrumental approach towards the state, shown by both sectarian leaders and communities. This statement however reveals a deeper problem. Sectarian rivalries, antagonisms and contentions are merely the tip of the iceberg, at the core of which is a profound confusion between the public and the private, and related to it the unresolved issue of the autonomy of the central state versus communities' rights. Sectarianism seems to be a manifestation of the distorted understanding of the latter relationship. Ambiguity accompanying the nature of this relationship might have contributed to the split arising between confessionalism and sectarianism, or as Salamey puts it, state consociationalism and sectarian populism. Such understanding of the Lebanese power-sharing model enabled the

amendments that in turn opened the way for a permanent bypassing and abuse of the institutional order, becoming also the main reason responsible for its setbacks.

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Ethnic Accommodation in Oceania: Instances from Fiji, Papua New Guinea, and Solomon Islands

Abstract

The paper provides an overview of the ways in which recent tensions between ethnic groups in Oceania have been accommodated. It focuses on three cases from the Southwest Pacific: Fiji, Papua New Guinea, and the Solomon Islands, in order to make a comparative note about the circumstances of these contexts in which constitutional exercises have followed violent conflict.

Key words: ethnic conflict, ethnic accommodation, civil war in Bougainville, Fiji, Solomon Islands

Introduction

This paper provides an overview of the ways in which recent tensions between ethnic groups in the Pacific Islands (also referred to as Oceania) have been accommodated through the implementation of specific policies, passage of laws or formalization in constitutions. Indeed, negotiating the terms of power-sharing is as much a tradition of small states and societies as it is of larger states elsewhere; and conflict – whether economic, socio-cultural, or political – was ever-present in Pacific Island societies prior to European contact, throughout the period of colonization and now in the post-independence era.[1]

The population of Oceania is approximately 10 million, living in tens of thousands of villages, hamlets, settlements and towns, on thousands of

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[1] Andreas Holtz, Matthias Kowasch and Oliver Hasenkamp (eds), *A Region in Transition: Politics and Power in the Pacific Islands Countries*, Saarbrücken: Universaar, Saarbrücken, 2016.

islands, spread across some 20 countries and an ocean area of 550,000 square kilometres. Independent countries range in size from 10,000 (Nauru) to 8 million (Papua New Guinea). These are some of the "small island states" of the contemporary era; additional ten countries remain dependent on one or other metropolitan power. These dependent and independent states, as well as their land area and current population, are shown on the following chart.[2]

Region/country or territory	Political Status	Land area (km²)	Population 2016
MELANESIA		**540,030**	**10,250,400**
Fiji	independent	18,333	880,400
New Caledonia	French territory	18,576	277,000
Papua New Guinea	independent	462,840	8,151,300
Solomon Islands	independent	28,230	651,700
Vanuatu	independent	12,281	289,700
MICRONESIA		**3,156**	
Federated States of Micronesia	independent	701	104,600
Guam	United States Island Territory	541	169,500
Kiribati		811	ṛ

[2] Pacific Regional Statistics: http://prism.spc.int/ (accessed 17.05.2017).

Marshall Islands	independent	181	55,000
Nauru	independent	21	10,800
Northern Mariana Islands	United States Commonwealth	457	55,700
Palau	independent	444	17,800
POLYNESIA		**8,126**	664,800
American Samoa	United States Territory	199	56,400
Cook Islands	Independent, but part of "realm of New Zealand"	237	15,200
French Polynesia	French territory	3,521	273,800
Niue	Associated State, part of "realm of New Zealand"	259	1,600
Pitcairn Islands	British Overseas Territory	47	n.a.
Samoa	Independent	2,934	194,000
Tokelau	Associated State, part of "realm of New Zealand"	12	1,400

Tonga	independent	749	100,600
Tuvalu	independent	26	10,100
Wallis and Futuna	French territory	142	11,800

The history of nations and nationhood in Oceania differs from that of Europe, although it has similarities with some parts of Africa. In the years before European contact, Pacific societies evolved economic and political systems suited to their environment. These were mostly small-scale and kin-based. In the eastern Pacific (Polynesia) leadership was inherited by successive generations of the strongest families, while to the West (Melanesia) leadership was more commonly contested within successive generations. Some cultures developed collaborative rather than individual leadership systems. Traditional leadership was much altered by both colonial regimes and Christian missionaries. The archipelagic composition of these communities contributed to the diversification of languages, customs and ethnic identities and provides an on-going challenge to the building of national identities.

European contact brought considerable change, as every island and people across the Pacific was either annexed or else sought protection from its preferred European power (as with Tonga, which sought British rather than German "protection"). Political subordination was accompanied by economic and cultural subordination. Material cultures based on ritualised subsistence, barter, exchange, and gift, were monetised through the introduction of currencies, taxation, and wage labour, and this alteration of economic relations carried ramifications for all other aspects of social functioning. Needless to say, the distances across water have meant that ethnic conflict, where it does occur in the Pacific Islands, is *within* contemporary societies rather than *between* them; it is a domestic challenge rather than a cross-boundary one.

Some instances of ethnic conflict in Oceania are better known than others: in New Caledonia the Kanak struggle for independence from France in the 1980s; in Papua New Guinea the civil war on Bougainville in the 1990s; in Fiji the rivalry between indigenous Fijians and Indian *girmitiya*; and at the boundary between Asia and the Pacific, the status of

West Papua, an Indonesian province with ethnic ties to Melanesians rather than Javanese and Malays. An overview of tensions between the introduced and traditional systems of government was recently published elsewhere.[3] The current paper focuses on just three cases from the Southwest Pacific: Fiji, Papua New Guinea, and Solomon Islands.

Papua New Guinea

Papua New Guinea, by far the largest of the Pacific Island Countries, with a population of approximately 8 million, and a land area of 462,840 sq kms, gained in dependence in 1975. It had been administered by Australia as a mandate of the League of Nations from 1920 and then as a Trusteeship of the United Nations from 1946. The presence of some 800 ethnic groups has resulted in the perpetual presence of ethnic tension in the country. However, although tribes from the highland provinces (Eastern, Southern and Western Highlands, Chimbu, and Enga) are numerically larger than those from provinces to the south where the capital city of Port Moresby is located, and their large-scale migration from rural to urban areas has placed pressure on land and housing, employment opportunities, the diversity of culture and language in the country has mitigated against the possibility of any one group dominating politics, government or commerce. Ethnic competition exists in politics and economically, but has not required formalised sharing of executive power.

Although separatist movements emerged prior to and consequent to independence in 1975, the most significant of these was felt on Bougainville, a large island in the country's east. Although the dispute had an element of separatist sentiment on the basis of ethnic difference, there were other equally weighty precipitating factors, notably the operation of a large open-cut copper mine at Panguna, which had brought environmental degradation affecting the livelihoods of local communities who in addition felt their share of royalties was far too small. What differentiated the Bougainville dispute from others in Papua New Guinea was the way in which it deteriorated from a political to a physical conflict, and by its later partial resolution through formal peace agreements and constitutional dialogue. In between, there were an estimated 10,000

[3] Graham Hassall, 'Democracy in the Pacific: Tensions between System and Life-World' in *A Region in Transition: Politics and Power in the Pacific Islands Countries*, Saarbrücken: Universaar, Saarbrücken, 2016, Andreas Holtz, Mathias Kowasch and Oliver Hasenkamp (eds), pp. 313–360.

(mostly civilian) deaths, and the province lost a decade of social and economic development.

The passage from conflict to a future plebiscite involved four phases: a) 1987–1997 political and military conflict; b) 1997 – agreement to cease hostilities and negotiate peace treaties; c) restoration of services; and d) 1998–2004 constitutional dialogue and amendment.[4] A referendum is currently being prepared for implementation in 2018.

The preamble to the 2004 Constitution of the autonomous Province of Bougainville[5] recalls some of this conflict and sets out the justification for the new arrangements: "Conscious of the noble heritage and customs of our Ancestors and of the freedom and autonomy which they enjoyed in time immemorial; Mindful of the restrictions wrought on our freedom, autonomy and customs by colonial aggression, foreign influences and the devastation of foreign wars; Proud of our long struggle to free ourselves from adverse colonial and foreign influences and to renew our freedom, autonomy and customs; Chastened by internal conflict that arose during our struggle for freedom; Recognising the sacrifice of Bougainvilleans for the causes of autonomy and self-determination; Heartened by the process of healing, reconciliation and unity pursued during the years of conflict and thereafter…".

Successful completion of the peace process required reform of both National and Provincial Constitutions. At national level, the Constitution of Papua New Guinea had to be amended to grant the "Autonomous Province of Bougainville" greater powers than those possessed by all other provinces in the country. These included greater legislative, executive, and judicial powers, as well as recognition of some rights over foreign affairs. The constitution of the Autonomous Province of Bougainville was the product of Constituent Assembly deliberations rather than simple reform of the former provincial Constitution, and included such peace-making compromises as guaranteed seats in the Provincial Assembly for former combatants.

Change to the national constitution paved the way for the establishment of Bougainville as an "autonomous province". Now with

[4] Anthony J. Regan, 'The Bougainville Peace Agreement, 20012002: Towards Order and Stability for Bougainville?' in *'Arc of Instability'? Melanesia in the Early 2000s*, R.J. May (ed.), Canberra and Christchurch: State, Society and Governance in Melanesia Project, ANU, and Macmillan Brown Centre for Pacific Studies, University of Canterbury, 2002.

[5] Constitution of Bougainville: http://www.paclii.org/pg/constitution-bougainville-2004.html (accessed 17.05.2017).

its own parliament, and hence legislative and executive powers beyond those possessed by all other Provinces in the country, Bougainville's House of Representatives has passed legislation regularly since 2005, in an effort to "draw-down" powers from the National Government, and prove its ability to develop and oversee government services.

In addition to the conflict on Bougainville, localised ethnic tensions recur regularly in a number of other provinces. Known as "tribal fights", these clashes which were traditionally contests for land, females or other resources, but here again, even though such clashes continue to occur, they have not required formal accommodation through power-sharing. It may be relevant to add here the fact that general elections, held at five-year intervals, have been accompanied by violence between the supporters of contending candidates (the most recent occurrence being general elections in 2017), although here, again, political conflict has not sought resolution through power-sharing accommodation.

Fiji

The nation of Fiji (population 840,000 on a land area of 18,333 sq km) experienced four coups between 1986 and 2006, each with individual triggers and motivations. The Fijian people are located at the boundary of the Polynesian and Melanesian cultures, and traditional leadership similarly ranges between chieftain and clan models from these two cultures. Chiefs were accommodated in Britain's "indirect rule" of the Fijian Crown Colony between 1874 and independence attained in 1970. Both before and after independence, land has belonged to customary Fijian owners, and chiefs have continued to hold their titles and socio-economic influence (although the colonial and later the post-colonial state administered leases and rents).

This colonial context was made more complex when the British introduced some 100,000 Indians, primarily to work on sugar plantations. These labourers, having nothing to return to in India upon expiration of their period of indenture, chose to remain in Fiji. Although landless, and reliant on agricultural wages or commercial activities, their numbers eventually expanded to equal those of the land-owning indigenous Fijians. Rivalry between the two communities occurred through the colonial period but was most evident after independence. In 1987 elements of Fiji's military forces opposed the installation of the country's democratically elected government which had, for the first time, a Fijian Prime Minister but a majority of Indian members. The army mounted a

coup and a period of constitutional and political upheaval followed, during which the two communities eventually found a point of accommodation, if not equity. The accommodation included an electoral system which guaranteed a Fijian majority in parliament and government and included an affirmative programme inspired by Malaysia's "pro-Bumiputra" policies which privileged Fijian economic interests over Indian. A Fijian Council of Chiefs was given increased advisory power in customary matters, and the right to appoint some members of parliament's upper house. All of these racially-defined regulations were legitimated in the 1990 and 1997 constitutions.

Following general elections in 2006 the major party, *Soqosoqo Duavata ni Lewenivanua*, (SDL), reluctantly established a multi-party government of national unity, as called for by the constitution, whilst simultaneously pressing forward with manifestly pro-Fijian policy proposals. One, for example, sought to re-assert Fijian ownership of traditional fishing rights, which would have prohibited all other communities from accessing beaches without permission.

Ironically, a military coup in December 2006 advocated removing such preferential policies and introduced equal treatment of citizens irrespective of race. But although the constitution was re-written to replace pro-*itaukei* (pro-native) policies with others espousing race equality, the action is currently causing unease amongst indigenous Fijians who feel that their paramountcy in the islands is once again being questioned, and threatened. The government has dismantled the Great Council of Chiefs *(Bose Levu Vakaturaga*) which had existed since the colonial period, and has also ended a wide range of preferential policy settings which had previously advantaged indigenous Fijians in business and education. The fact that most Indian Fijians are Hindu or Muslim has stoked a simmering ideology that wishes Fiji to become a "Christian State".

Solomon Islands

The third country reviewed in this paper, Solomon Islands, a group of islands comprising 515,000 people on total land area of 28,000 sq kms) attained independence in 1978 after almost a century of British colonial rule, and with very little economic infrastructure in place or human capital developed. Although the population is overwhelmingly Melanesian, it nonetheless speaks approximately 65 Austronesian languages across the country's nine provinces, and "breakaway movements" existed both prior

to and after independence. Although constitutional reform exercises have on several occasions proposed a shift to some form of federalism so as to cater for regional aspirations for greater autonomy, the national parliament has never had the conviction to shift away from the existing unitary system of government.

Ethnic tensions were greatest on Guadalcanal, the island on which the country's capital Honiara is situated. After several decades of migrants shifting to this main urban centre from the various outer islands, land-owners on Guadalcanal began to resent the encroachment on their land and domination of the island's economy and employment opportunities. In the late 1980s verbal protests transformed into physical confrontation. The 'Demands by the Bone Fide and Indigenous People of Guadalcanal' included formation of a state government for Guadalcanal under a federal system, a demand which had previously been put to the national government in 1988 in a document titled 'Petition by the Indigenous People of Guadalcanal'. Other 'Bone Fide' demands included: the return of alienated lands; the reform of land legislation to restrict ownership by people from other provinces; that Guadalcanal Province be granted 50% of the revenue from resource projects on the island; and that legislation be introduced to 'control and manage' internal migration.[6]

Rather than addressing such issues, political leaders stoked animosities until conflict erupted in 2000–2001. State-owned buildings and resources were literally seized by rebel groups and the government was ousted. After a period of social and political chaos, the surrounding Pacific states (but including Australia and New Zealand), mobilised military and police units in 2003 to re-establish the rule of law and work towards the rebuilding of the state institutions. This mission, termed "RAMSI" (Regional Assistance Mission to the Solomon Islands), relied on regional security agreements that had emerged following the region's inability to respond to the earlier crises in Bougainville and Fiji. In 1992 Pacific Island leaders outlined in the *Honiara Declaration* the main principles for law enforcement cooperation. This was followed by the Aitutaki Declaration on regional security cooperation of 1997, the *Biketawa Declaration of* 2000, and the *Nasonini Declaration on Regional Security* of 2002. (Other components of comprehensive security policy

[6] Matthew G. Allen, 'Land, Identity and Conflict on Guadalcanal, Solomon Islands', *Australian Geographer*, Vol. 43, No. 2, 2012, pp. 163–180.

are the Forum Economic Ministers' Meeting (FEMM) principles for good governance, and the Forum Leadership Code).

The provisions of the Biketawa Declaration were first used in 2003 when the Solomon Islands government Forum sought the region's assistance in re-establish the rule of law. The subsequent Assistance Mission stabilised the country within three months and collected almost 4,000 weapons without a shot being fired, before moving to phases of rehabilitation of the nation's "machinery of government". Peace treaties were brokered between the parties in conflict, but these have an indeterminate legal status, with no direct influence on constitutional, legal, or policy reform. A Constitutional reform exercise has been underway since soon after the cessation of hostilities which more than a decade later is still to come to fruition.

Discussion

A comparative note can be made about the circumstances of Papua New Guinea, Bougainville, Fiji and the Solomon Islands – Pacific contexts in which constitutional exercises have followed violent conflict. Whereas in the case of Papua New Guinea, the "Bougainville Peace Agreement" became embedded in Papua New Guinea Law and provided a legal framework for the establishment of the Constitution of the Autonomous Province of Bougainville, the "peace agreements" that concluded conflict in the Solomon Islands did not create law, and on-going efforts toward reconciliation appear to be parallel to, rather than part of, constitutional reform. In Fiji, constitutional reform has accompanied each of the coups, which have ranged from efforts to entrench ethnic hegemony on the one hand (1987) to efforts to remove it (2006).

Whereas federalism is often suggested as a solution to governing multi-ethnic or divided societies, there are few examples of such a solution being implemented in the ethnically diverse Pacific Islands. In the North Pacific the Federated States of Micronesia bring together four culturally distinct communities under a complex system of revenue sharing and decision-making, and the Republic of Palau distributes some powers to no less than 18 micro-states. But in the Pacific states that have experienced some of the most overt ethnic conflict the system of government has not been reformed in this way. The Solomon Islands has deliberated on a federal model since independence in 1978. A first major

review concluded in 1987[7] did not result in any substantial change. A subsequent exercise initiated by the Kemakeza government in 2002 obtained UNDP support and continued through the Sogovare and Sikua governments. A 32-member Constitutional Congress launched by then PM Sogovare in June 2007 existed throughout the following year but toward the end of 2009 had been halted through lack of operational funds and the onset of preparations for parliamentary elections in 2010. Up to 2017 the Parliament had not taken the step of voting on proposed constitutional amendments. In contrast, Bougainville's constitution was agreed to by the National Parliament of Papua New Guinea in December 2004, a move that cleared the path for holding a general election for the province's executive and legislative bodies in 2005, and for gradual movement toward a plebiscite on the future of the Province. The reason why the Pacific states do not rely more on constitutional mechanisms to resolve issues of ethnic tension is generally thought to be due to the presence of multiple distinct communities rather than just two or three, the main exception to this being Fiji, where ethnic accommodation attempted under the 1990 constitution is currently considered to have been a failure.

[7] Solomon Islands Provincial Government Review Committee, *Report of the Provincial Government Review Committee, 1986–1987*, Honiara, Solomon Islands: Ministry of Home Affairs & Provincial Government, 1987.

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Tamil Power-Sharing Propositions in Sri Lanka

Abstract

The article is concerned with the proposals for power-sharing solu-tions issued by Tamil political organisations in Sri Lanka between the years 1951 and 2008. The author explores the different solutions of-fered by each of these proposals, and analyses their influence on the political developments taking place in the country. The article brings special attention to how the discourse introduced by the Tamil pro-posals influenced the final shape of the Indo-Sri Lankan Accord of 1987 and how some of the solutions, originally recommended by Tamil associations, were implemented in the Thirteenth Amendment to the Constitution of Sri Lanka.

Key words: Sri Lanka, Sinhalese nationalism, Tamil nationalism, power-sharing, consociationalism, centripetalism.

Introduction

The subject of power-sharing is more consequential when contextualised within the socio-political space of countries, where polarisation between different segments of society has reached critical levels of armed conflict. Sri Lanka, with its history of protracted civil war preceded by decades of escalating tensions between the two major ethnic groups, follows the typical construct of a contested territory. While the power-sharing solutions, which were implemented by Sri Lankan politicians with the aim of de-escalating tensions, have been criticised as inadequate, the country has a long history of dialogue on brokering power among its factions. The article presents a fragment of this discourse, while amalgamating proposals issued by members of Tamil minority groups.

The major ethnic group in Sri Lanka are the Sinhalese. The primary minority ethnic groups are Sri Lankan Tamils; Indian Tamils, or "Tamils of recent Indian origin" according to the nomenclature employed by ITAK, who are descendants of Tamil labourers brought to Ceylon by British colonial authorities to further the expansion of plantations of tea

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and coffee; and Moors, who constitute the Muslim minority of Sri Lanka. These minority groups use Tamil as a primary language, begetting the term "Tamil-speaking people" as a composite name for these ethnicities. The following table presents the population of these groups in the second part of the twentieth century:

Year / Ethnicity	**1953**	**1971**	**2011**
Sinhalese	5,616,700 (69.36%)	9,131,241 (71.96%)	15,250,081 (74.90%)
Sri Lankan Tamil	884,700 (10.93%)	1,423,981 (11.22%)	2,269,266 (11.15%)
Indian Tamil	974,100 (12.03%)	1,174,606 (9.26%)	839,504 (4.12%)
Moor	511,500 (5.32%)	855,724 (6.74%)	1,892,638 (9.30%)
Other	110,900 (1.37%)	104,345 (0.82%)	107,950 (0.53%)
Total	8,097,900	12,689,897	20,359,439

As tabulated, throughout the second half of the twentieth century the Sinhalese majority comprised approximately 70% of the society. The percentage of minority groups, registered at 30% before the civil war, decreased to 25% after the war. Among the minority groups, statistics describing the Indian Tamil community demark a different trend to patterns displayed by other groups, as it is the only large minority whose percentage of the country's population was steadily decreasing. This trend can be attributed to the introduction of the franchise laws, which initiated

the process of repatriation of Indian Tamils to India.[1] After the commencement of the civil war, Indian Tamils were migrating to India in order to escape widespread violence as a result of pogroms during this period.

The Sri Lankan Tamils and the Indian Tamils are at times jointly described as the "Tamil minority group of Sri Lanka", as they share the same religion and language. Simultaneously, the different geographical location of their settlements, and difference of status, have meant they occupied distinct positions within a hierarchy, preventing them from developing a joint group identity. The difference in status between these two groups can be understood through the prism of the caste system: while the Sri Lankan Tamils take pride in their high origins, they tend to regard Indian Tamils with disdain, as belonging to lower castes of Indian society.[2]

All the documents analysed in the paper were issued after Sri Lanka, historically known as Ceylon, regained independence in the year 1948. The majority of these documents were produced by key Tamil political institutions of the twentieth century: the Federal Party (ITAK, ta. *ilaṅkait tamiḻaracuk kaṭci*)[3] and the Tamil United Liberation Front (TULF).

The ITAK became an autonomous political institution in 1949, when it split from the All Ceylon Tamil Congress (ACTC, ta. *akila ilaṅkait tamiḻk kāṅkiras*). This divide was an outcome of ideological differences within the ACTC with regard to the introduction of franchise laws[4] in the same year, which left Indian Tamils without citizenship. This led S.J.V. Chelvanayakam, at the time a member of parliament, to raise the differences with the leader of the ACTC, G.G. Ponnambalam, who had not condemned the government's decision to strip citizenship status from Indian Tamils. After Ponnambalam joined the government as a minister,

[1] Nira Wickramasinghe, *Sri Lanka in the Modern Age: A History*, New York: Oxford University Press, 2014, p. 183.
[2] K.M. de Silva, *Power Sharing Arrangements in Sri Lanka*, Hague: Netherlands Institute of International Relations "Clingendael", 2001, p. 7.
[3] The Tamil name of the party, directly translated, is: "The Party of the Tamil Government of Sri Lanka". The name implies the existence of a federal political system in the country, which would allow two "governments" to exist simultaneously: the Sinhalese government would head a majority of the country, and the Tamil government the districts with a Tamil majority.
[4] Franchise laws denote regulations governing the citizenship of inhabitants of a country.

Chelvanayakam went on to form a separate party, the ITAK, and was elected its president.[5]

The ACTC opposed the federal solution to the problem of ethnic diversity in Sri Lanka. This was a pro-Tamil protectionist measure initiated in the first years after Ceylon's independence, when the Tamil minority occupied positions of power in the administration of the country, due to the historical efficiency of missionary education in predominantly Tamil areas. Ponnambalam presumed that introducing a federal system would deprive Tamils of socio-economic mobility and limit their sphere of influence to a relatively small area of the country. This position of entitlement was a remnant of the British era, when meritorious Tamil people were favoured for governmental positions, a situation which persisted at the initial stage of Ceylon's independence.[6]

The TULF can be regarded as a "later manifestation" of the ITAK.[7] It was created in 1972 as the Tamil United Front, and initially incorporated members of the Ceylon Workers Congress, the ACTC and the Adanga Thamilar Munnani. In 1975, the party was renamed the Tamil United Liberation Front. In the following year the ITAK joined the TULF and grew to articulate the separatist tendencies of the association.[8]

While the Tamil militant organisations rarely formulated discourse on power-sharing, fighting for the independence of the Tamil-majority part of Sri Lanka, their involvement in the protracted civil war in the years 1983–2009 makes them an important agent in charting out the modern history of the country. The most notorious among these groups, the Liberation Tigers of Tamil Eelam (LTTE) had its origin in the student organisation, the Tamil Students' Federation, founded in 1970. The organisation adopted the name Tamil New Tigers in 1972, and from 1975 was known as the LTTE. At the initial stage of the development of this organisation, its members identified with the core ideology of Chelvanayakam.[9]

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[5] Asanga Welikala, 'The *Ilankai Thamil Arasu Katchi* (Federal Party) and the Post-Independence Politics of Ethnic Pluralism: Tamil Nationalism Before and After the Republic: An Interview with R. Sampanthan' in *The Sri Lankan Republic at 40: Reflections on Constitutional History, Theory and Practice*, Asanga Welikala (ed.), Colombo: Centre for Policy Alternatives, 2012, pp. 934–935.
[6] Ibid., pp. 961, 964.
[7] De Silva, *Power Sharing…*, p. 16.
[8] Wickramasinghe, *Sri Lanka…*, p. 294.
[9] Ibid., pp. 294–296.

The proposals analysed in the present article also include proposals issued by the Muslim minority. This might be regarded as controversial since, in spite of their being classified within the category of "Tamil-speaking people" by Tamil political associations, they themselves emphasise their distinct identity and define themselves not only as a distinct ethnic group, but also as a distinct nation. The decision to include proposals for power-sharing issued by members of the Muslim minority was motivated not only by the salient solutions proposed in these documents, but also by the fact that these documents were meant to supplement, rather than replace, proposals issued by Tamil associations, and were framed around the acceptance of the general scheme of devolution of power proposed by these groups.

Power-sharing is a term used to indicate a political system, that empowers the participation of major segments of society in its governance and, apart from the structural and institutional mechanism, requires the prior existence of an inclusive political culture to allow these solutions to succeed. [10] Some power-sharing solutions can be introduced mechanically, at the structural, institutional, and organisational levels, even in the absence of traits allowing for the smooth functioning of these mechanisms.[11]

In common discourse, the term "power-sharing" is identified with one such system that gained prominence in political science literature, consociationalism. The model of consociationalism was developed by Arend Lijphart on the basis of existing political solutions implemented e.g. in Netherlands, Austria and Belgium. The four principal elements of a consociational system are: governmental rule by a grand coalition including members of all major segments of a society; cultural autonomy of the major segments; proportional political representation; and the right of veto extended to members of the minority segments regarding decisions concerning their basic rights and autonomy.[12] These elements may exist in a country in formal dictum, defined by the constitution, or may be implemented by progressive politicians in an informal manner.

[10] "Segment" is understood here as a social group characterised by shared identity, and is often based on ethnicity, religion, or the nationality of its members.

[11] Krzysztof Trzciński, 'Istota i główne modele *power-sharing* w kontekście wieloetniczności. Zarys problematyki' ['The essence and key models of *power-sharing* in a multi-ethnic context. An outline of issues'], *Przegląd Politologiczny* [Politological Review], No. 3, 2016, p. 29.

[12] Ibid., pp. 33–34.

Lijphart cites India to illustrate consociational mechanisms implemented without constitutional provisions enforcing them.[13]

The other significant model of power-sharing is centripetalism, a system that exists in its full form only in Nigeria and Indonesia. Centripetalism, which can be located on the other end of the spectrum to consociationalism, aims at depoliticisation of an ethnicity through three elementary methods. The first stratagem aims to divide the country into administrative units which divide members of a single ethnic group into a number of different units, which subsequently need to compete for resources from the centre. The second approach calls for presidential candidates to gain a territorial distribution of votes, thereby obliging the candidate to gain influence and support in the entire country. The third is the requirement for political parties to be multiethnic, and to situate members of various ethnicities in principal positions.[14]

ITAK First National Convention (1951)

The First National Convention of the ITAK took place in April 1951. During this event, the party accepted seven resolutions, which summarised and justified the demand for the introduction of federalism as a means of devolving power in the country. The first of the resolutions emphasised the nationhood of Tamils living in Ceylon, basing it on the assumption that the minority is characterised by a distinct history, language and culture. This served as the basis for the demand for regional autonomy of Tamil-majority areas of the country within a federal system of government. The second resolution denounced the existing Soulbury Constitution[15] "as being both irrational and unjust" due to its unitary character, which left the Tamil minority subject to the decrees of the majoritarian government. This issue was continued in the third resolution, which criticised the government's refusal to grant citizenship to Indian Tamil inhabitants of Ceylon. The fourth resolution was concerned with the status of Tamil language in independent Ceylon, which was ignored "in most government publications and official forms", thereby setting the basis for the proclamation of Sinhalese as the only official language. The fifth resolution condemned the governmental stratagem of colonisation of areas with a Tamil majority with Sinhalese people. The sixth resolution

[13] Arend Lijphart, 'The Puzzle of Indian Democracy: A Consociational Interpretation', *American Political Science Review*, Vol. 90, No. 2, June 1996, pp. 258–262.
[14] Trzciński, 'Istota i główne modele…', pp. 35–36.
[15] Ceylon Constitution Order in Council from 1946.

denounced the official flag of Ceylon. Authors of the document cited the disproportionate attention to Sinhalese iconography, by granting the lion, a symbol of the Sinhalese nation, the central place. The document concluded with the seventh resolution, which provided the assurance that the Tamil state would not provide "provincial, religious, social or economic advantage" to any single section of society over others.[16]

The particular importance of these resolutions lies in the fact that they are pertinent to subjects central to the demands issued by Tamil political organisations in Sri Lanka in later periods. The points of particular importance considered in the document were: the ambiguous status of the Tamil language in Ceylon, the government sponsored colonisation of traditionally Tamil territories by Sinhalese people and the question of the citizenship rights of Indian Tamils. The omission of Tamil as an official language became a central issue in 1956, when the Parliament passed the Official Language Act No. 33, often referred to as the "Sinhala Only Act", the act granting Sinhala the status as the sole official language of the country. The allegation of colonisation of traditionally Tamil territories was associated with a government sponsored programme under which the majoritarian Sinhalese people were re-settled into areas with high Tamil population density. As the settlement, according to some sources, focused on Tamil-majority areas, and the majority of the new settlers were Sinhalese, it came to be recognised as colonisation, aiming at manipulating the percentage of the Tamil population in these regions.[17] This was a strategic decision to prevent overt Tamil representation in local governments, as the majoritarian government feared that such representation would make traditionally Tamil areas increasingly autonomous and open to articulating separationist tendencies.

The problem of citizenship of Indian Tamils in Ceylon was a major point of contention between the core ACTC and a faction of its members, who later branched out to form the ITAK. The leader of the ACTC, G.G. Ponnambalam, refused to take a firm stand with regard to Indian Tamils and their rights to citizenship, as he was granted a ministerial function within the government.[18] In the chronology of later developments, the

[16] Rohan Edrisinha, Mario Gomez, V.T. Thamilmaran and Asanga Welikala (eds), *Power-sharing in Sri Lanka*, Colombo: Centre for Policy Alternatives and Berlin: Berghof Foundation for Peace Support, 2008, pp. 212–215.
[17] Wickramasinghe, *Sri Lanka…*, p. 282.
[18] Welikala, 'The *Ilankai*…', pp. 934–935.

issue of citizenship of Indian Tamils was omitted in the list of the main objectives of the ITAK, as it did not appear in either of the pacts signed by the leader of the ITAK, Chelvanayakam, in 1957 and 1965.

Chelvanayakam agreements (1957, 1965)

The Bandaranaike-Chelvanayakam Pact of 1957 was signed by the Prime Minister of Ceylon, S.W.R.D. Bandaranaike, and S.J.V. Chelvanayakam, on the 26th of July 1957. For the ITAK, the pact was considered a temporary measure, to indirectly introduce elements of devolution of power, which resembled a regional government. The government deemed it to be a compromise, meant to decrease tensions caused by the introduction of the Sinhala Only Act.[19]

The joint statement preceding the text of the pact articulated a lack of concurrence with regard to the Sinhala Only Act. The first portion of the pact nevertheless recognised Tamil as a language of a minority group and confirmed, that the regions with Tamil majority (Northern and Eastern Provinces) would use Tamil as an official language for provincial governance. No settlement was reached on the citizenship of Indian Tamils, but the issue was mentioned in the document, noting that "[t]he Prime Minister indicated that the problem would receive early consideration". Most importantly, the agreement indicated a commitment to constructing regional councils, to be administered by locally elected councillors. The councils were to be vested with powers ranging from agriculture, land development, to colonisation. The issue of colonisation was addressed in a separate paragraph, and the choice of allottees for areas within the given region was relegated to the respective regional councils, a practice meant to resolve the issue of government-led colonisation schemes. The financial framework of the regional councils were to be detailed at a later date, but the document confirmed that the councils would have powers of taxation and borrowing.[20]

The agreement between the Prime Minister and the leader of the ITAK widened the scope for a peaceful resolution to the growing tensions. The pact did not come to fruition, as the Prime Minister was assassinated two years after signing the agreement, before it could be implemented. As the document described the nature of decentralised power in little detail, it is

[19] Edirsinha, Gomez, Thamilmaran and Welikala (eds), *Power-sharing in Sri Lanka…*, p. 216.
[20] Ibid., pp. 220–222.

difficult to ascertain whether the implementation would have rendered a system of devolution that would effectively decrease inter-segmental tensions. The institutions described by the agreement were to be created within the ambit of ordinary legislation and not implemented in the Constitution.[21] This opened the space for counter institutions to emerge, to overturn the system of devolution by Parliament. It is therefore likely that the Thirteenth Agreement, implemented in 1987, provided a better basis for an efficient system of devolution.[22] Bandaranaike enacted a concession for the Tamil citizens of Ceylon by securing the approval of the "Tamil Language (Special Provisions) Act" by Parliament in 1958. The Act permitted the limited use of Tamil in education and allowed the use of Tamil for administrative purposes in the Northern and Eastern Provinces.[23]

The Dudley Senanayake-Chelvanayakam Pact of 1965 was signed by the Prime Minister of Ceylon and the leader of the ITAK on the 24th of March 1965. The agreement touched upon three contentious issues: the status of the Tamil language, the establishment of district councils as a method of devolving administrative power and colonisation. In order to redress the issue of situating Tamil as an official language, proposals were made to grant Tamil the status of an administrative language in Tamil-majority areas, and to enable legal proceedings in these areas to be conducted in Tamil. District councils were scarcely mentioned in the document, except for a mention, that they were to be "vested with powers over subjects to be mutually agreed upon between the two leaders". The issue of colonisation was treated in more detail. Under the land granting scheme in Tamil-majority areas, the priority was to be given in the first place to the landless people in the same district. Secondary priority was to be given to Tamil-speaking people of the Northern and Eastern Provinces. The third order of priority was to be given to Tamil citizens living in other parts of the country.[24]

The Senanayake-Chelvanayakam Pact was more cursory than the agreement signed by Prime Minister Bandaranaike. A major impediment with the document were elements of political manipulation, meant to

[21] Ceylon Constitution Order in Council from 1946.
[22] Edirsinha, Gomez, Thamilmaran and Welikala (eds), *Power-sharing in Sri Lanka…*, p. 218.
[23] K.M. de Silva, *A History of Sri Lanka*, London: C. Hurst & Company, 1981, p. 515.
[24] Edirsinha, Gomez, Thamilmaran and Welikala (eds), *Power-sharing in Sri Lanka…*, p. 224-228.

grant Senanayake an additional vote bank, thereby allowing him to win the election. The agreement was formally abandoned in 1968, due to pressure from Sinhalese nationalist movements. The opposition was motivated by an apprehension that devolution of power would lead to the emergence of a fully federal structure, which could, according to the leaders of the Sinhalese nationalist groups, result in a division of the country.[25]

ITAK Memorandum and the Model Constitution (1970)

The Memorandum and the Model Constitution were created by members of the ITAK in 1970, as the government framed propositions aimed at replacing the constitution of the country, opening up space for the introduction of a federal system.[26] The Memorandum, introducing the proposal for a federal constitution, offered the rationale for the recommended political solution, claiming that the institution of a unitary country in Ceylon was a vestige of the administrative solutions left by the colonial rulers of the island. The Memorandum proceeded to propose a union of the Sinhalese and Tamil portions of Ceylon within the framework of a federal state. The document referred to India and Australia as examples of federally administered countries.

The draft proposed creating five states, with one Tamil-majority state comprising the Northern Province and a part of the Eastern Province, one Muslim-majority state and three Sinhalese-majority states. The capital, with its surrounding territories, was to form a separate administrative unit, controlled by the central government. Boundaries between the states were to be created by a separate Boundaries Commission. The governments of the individual states were supposed to have powers over a series of roles entrusted to them by the central government. This included limited legislative authority, with the power to create laws within the ambit of the respective states. States were to be vested with limited powers of establishing cooperation with other states, but these powers were to be subjected to central government scrutiny.

The administrative privileges of the states were to encompass all spheres, except for those under the direct supervision of the central government. The central government's jurisdiction was mentioned in

[25] de Silva, *A History of Sri Lanka*, p. 530. Comp. de Silva, *Power Sharing…*, p. 18.
[26] Edirsinha, Gomez, Thamilmaran and Welikala (eds), *Power-sharing in Sri Lanka…*, p. 232.

article 16. of the draft, and included international relations, issues of war and peace, concerns on internal security, a framework for citizenship, banks, water resources, ports, power resources, arms, animal protection, highways, and general matters pertaining to education, labor and taxation.

A separate portion of the draft is devoted to citizenship rights. The proposed constitution granted citizenship to every person born in Ceylon whose father (or mother, in the case of an illegitimate child) was born in Ceylon.[27] This solution would solve the problem of the nationality of a significant group of Indian Tamils, which was at the centre of political debate.

The section of the draft concerned with the fundamental rights of citizens abolished the institution of caste and prohibited discrimination based on caste. Article 24 of that section introduced the notion of provisions for citizens subjected to caste disabilities, which most likely meant concessions for members of historically underprivileged groups. The draft did not elaborate on this notion beyond a brief mention, stating that concessions were to be granted "in land alienation, employment, housing and educational facilities and representation in local bodies, and in the State and Central Legislature for a stipulated period".[28] The final form of these concessions was most likely conceived as similar to the positive discrimination of the members of Scheduled Castes and Scheduled Tribes in India, where members of these historically underprivileged societies have a range of rights facilitating their access to education and employment. The mention of a "stipulated period" indicated that, like the provisions contained in the Constitution of India, the provisions in Sri Lanka were meant to be valid for a period deemed necessary for the underprivileged groups to reach a moderate level of socioeconomic competitiveness.

The proposed draft stipulated Sinhala and Tamil as the national languages of the country, with Tamil specified as the language of administration of the Northern and North-Eastern regions. A separate provision was to be given to minorities, to safeguard their right to conserve their languages and scripts.[29]

The draft contained a brief review of the proposed legislation concerning educational facilities. It postulated that the Sinhala language

[27] Ibid., p. 243.
[28] Ibid., p. 244.
[29] Ibid., pp. 245–246.

should be the medium of education of the Sinhalese part of the population and Tamil was to become the language of instruction for the Tamil part of the population. It further elaborated on the issues concerning religious education, stipulating children's right to curriculums concerning their own religion, conducted by members of that religion.[30]

The document of the Model Constitution is the first official proposal of a federal government, issued by a Tamil political organisation in Ceylon, which is not limited to a series of demands concentrating exclusively on the mechanisms of devolution in Tamil-majority areas. The apparent lack of recognition of this proposal can be traced to claims presented in the Memorandum preceding the model constitution, which mentioned Tamil minority's right to demand the independence of parts of the Island where they constituted the majority. This mode of argumentations might have been considered as arguing for the right to secession on the basis of international law. It should be noted, that the Memorandum emphasised the futility of basing the privileges afforded ethnic groups on their historical claims. This could be used as an argument to disprove the right of the Tamil people to form a separate state in the North-East of the country, based on their hereditary right to these regions.

Escalation of conflict and the beginning of war

The description of the history of the conflict between the Sinhalese majority and the Tamil minority of Sri Lanka is not within the ambit of the paper, but the escalation of the conflict resulted in the relative scarcity of official documents issued by Tamil political associations with regard to power-sharing after 1970. The model constitution, prepared by the ITAK, had no impact on the new constitution of the country. The constitution adopted in 1972 by members of the ruling Sri Lanka Freedom Party (SLFP) was based on strong Sinhalese nationalist principles, emphasising the role of Sinhala as the official language, and Buddhism as the primary religion of the state, having the "foremost place".[31] The document contained provisions for the use of Tamil in legislation, requiring legislators to create Tamil translations of laws, and permitting the inhabitants of the Northern and Eastern Provinces to request court proceedings concerning them to be conducted in Tamil, and subsequent documentation to be translated into Tamil. Despite such provisions, the

[30] Ibid., p. 246.
[31] The Constitution of the Republic of Sri Lanka (Ceylon) 1972, Act 6.

elevated status of Sinhala was indisputable [32] and the country was officially defined as a unitary state,[33] steering away from proposals issued by the ITAK.

Political developments in the nation grew increasingly unfavourable for the Tamil minority and triggered a radicalisation of Tamil factions. The ITAK dropped its request for the introduction of a federal government and started fighting for the separation of Tamil regions and the establishment of an independent country. In May of 1976 the Tamil United Liberation Front (TULF), then headed by S.J.V. Chelvanayakam, adopted the Vaddukoddai Resolution, which demanded the formation of a separate Tamil state through peaceful means. This important document is one of the turning points in the modern history of Sri Lanka, but, since it was a demand for independence, it did not constitute a power-sharing proposal, and therefore is only of secondary importance for the study.

The subsequent years were marked by escalation and militarisation of the ethnic conflict and witnessed the formation of several Tamil militant groups. The radicalisation of Tamil youth, who formed the majority of recruits in these organisations, was augmented by the anti-Tamil riots of 1977.[34] The sole focus of these groups, such as the Liberation Tigers of Tamil Eelam (LTTE), was on separatism, which led to the marginalisation of the voices of moderate Tamil associations. This led to a decrease in the intensity of discourse surrounding power-sharing solutions.[35]

The 1977 general election brought about another transfer of power in Sri Lanka, with the United National Party (UNP) winning against the ruling Sri Lanka Freedom Party (SLFP). The new government decided to manage the looming crisis by passing a new constitution, which was adopted in September 1978.[36] The new constitution instituted the system of the executive presidency, which granted the president more extensive powers than the previous constitution.[37]

The 1978 constitution preserved provisions for a special place for Buddhism, and reiterated that Sinhala was the only official language of Sri Lanka. It listed Tamil, along with Sinhala, as one of the two national

[32] Ibid., Act 7–11.
[33] Ibid., Act 2.
[34] Wickramasinghe, *Sri Lanka…*, pp. 293–298.
[35] Thiruni Kelegama, 'Impossible Devolution? The Failure of Power-Sharing Attempts in Sri Lanka', *Strategic Analysis*, Vol. 39, No. 3, 2015, p. 245.
[36] Constitution of the Democratic Socialist Republic of Sri Lanka of 1978.
[37] Wickramasinghe, *Sri Lanka…*, p. 196.

languages of the country and implemented some provisions for Tamil speakers, including the use of Tamil as the language of administration in the Northern and Eastern Provinces.

In the 1980s, Tamil political associations drafted two schemes for power-sharing. The first among these was the proposal for the introduction of regional councils, presented by the Ceylon Workers Congress (CWC) at the All Party Conference in 1984. The second scheme was the proposal submitted to the Government of India by the leadership of the TULF in 1985.

The working paper submitted by the Ceylon Workers Congress is distinct, as the CWC is a political party of the Indian Tamils.[38] The document issued by this group expressed the views of a generally marginalised group within the political discourse of minority articulations. This marginalisation was due to the overrepresentation of Sri Lankan Tamil voices in the political spheres.

The working paper consisted of three parts: the preamble, a scheme for regional autonomy and a part devoted to the restoration of citizenship to Tamils of recent Indian origin. The preamble of the paper emphasised the pluralistic character of Sri Lankan society, delineating some basic facts about the Tamil-speaking regions. The second part outlined the scheme of regional autonomy in the areas with a Tamil majority. The councils were to have autonomous powers in their respective regions. The regions were to be divided into constituencies, each of which was to elect a member to the council. The chief minister of a council was to be appointed by the president and the convention was to elect as the chief minister the leader of the dominant party in the council.[39]

The regional councils were to possess legislative and executive powers in areas including maintenance of order, administration of justice, economic development, land policy and cultural development. In the purview of land policy, the paper demanded the implementation of the Chelvanayakam-Dudley Senanayake Pact from 1965, which observed that the land in the Northern and Eastern Provinces should be given to the landless people in the same district, second in order to the landless Tamil speaking people from the same region, and third to the landless Tamil speaking people from the other regions of the country. The paper further

[38] de Silva, *Power Sharing…*, p. 7.
[39] Tamil United Liberation Front, *Towards Devolution of Power in Sri Lanka*, Madras: Jeevan Press, 1988, p. 5.

suggested creating a network of local committees and councils, to be supervised under the authority of the regional council.[40]

The proposal advocated the composition of special regiments within the armed forces, consisting primarily of ethnic minorities. In case armed forces had to be deployed in regions inhabited by a minority, a regiment consisting of minority members would be deployed, in order to avoid repression of the minority group. Similarly, the police force within a region was supposed to reflect the percentage of the ethnic population of that region. The regional council was to create a Regional Public Service Commission. The council would be vested with powers of altering court jurisdiction within the region.[41]

The third part of the paper emphasised the requisite to resolve the problem of the statelessness of Tamils of recent Indian origin. This was to be resolved at the local level, by creating bodies concerned with assisting the Tamil population, and at the national level by creating a separate ministry devoted to matters regarding Tamils of recent Indian origin.[42]

The vision of the regional councils delineated in the paper was more limited in its scope than the previous requests issued by the ITAK. The system was not defined as a federal form of government, as it was aimed at a more limited degree of devolution. This development indicated that Tamil associations were willing to enter into a renewed dialogue with the government of Sri Lanka.

The list of proposals submitted by the leaders of the TULF to Rajiv Gandhi, the Prime Minister of India, in 1985, was a set of suggestions for regarding peace negotiations with the government of Sri Lanka. The proposals ranged from the demand for Sri Lanka to be defined as a union of states, to the facilitation of the merger of the Northern and Eastern Provinces into a single administrative unit.[43]

The proposal advocated granting citizenship to persons devoid of a legitimate claim to citizenship of another country. In order to enable ethno-linguistic inclusiveness, the proposal demanded Tamil to be added to Sinhala as an official language of Sri Lanka. The proposal further

[40] Ibid., p. 5–6.
[41] Ibid., p. 6–7.
[42] Ibid., p. 7–8.
[43] Ibid., p. 47–48.

demanded proportional representation of minorities in union services, which would include the armed services.[44]

The TULF's proposal envisioned States to be presided by governors, to be appointed by the president. In addition, each state was to have an elected assembly. The governor was to be vested with the power to call for amendments of bills proposed by the state assembly, but had no power to veto bills or stall them indefinitely. The state assembly would have the power to set taxes and request loans and grants. Consequently, the governor would appoint the leader of the elected political party within the state as the chief minister, who was to subsequently appoint a council of ministers.[45]

The finance commission of the country was to have four members, one would hold the portfolio of the governor of the Central Bank, the other three would be representatives of the three major communities: Sinhalese, Tamil, and Muslim. Each state was expected to have a high court.[46]

Legislative powers were to be divided between the Parliament and the State Assembly. The Parliament was to wield legislative powers in defence, foreign affairs, immigration and emigration, etc. The State Assembly was to have legislative powers within the ambit of the state, which included police, land allotment, education, health, etc. The Parliament did not have the authority to pass a resolution affecting a minority group without the approval of a majority of elected members belonging to that community.[47]

The proposals issued by the TULF influenced the development of Indo-Sri Lankan negotiations. After a series of consultations, the prime minister of India, Rajiv Gandhi, and the president of Sri Lanka, J.R. Jeyawardene, signed the Indo-Sri Lankan Accord of 1987. The accord commanded the government of Sri Lanka to introduce a level of devolution of power, a measure to decrease tensions between the Sinhalese majority and the minority groups of Sri Lanka. It recognised the multiethnic character of the country and confirmed that the terrains of the Northern and Eastern Provinces were distinguished by the historical habitation of Tamils.[48]

[44] Ibid., p. 48.
[45] Ibid., p. 48.
[46] Ibid., p. 49.
[47] Ibid., p. 48–49.
[48] Ibid., p. 148.

The Indo-Sri Lankan Accord required the government to institute a temporary merger of the Northern and Eastern Provinces, until a referendum could be organised in the provinces to gauge mass opinion on the merger. The accord further requested the government of Sri Lanka to grant the status of official languages to Tamil and English. It also required the government to establish a system of provincial councils, but the framework of this proposal lacked details.[49]

The Indo-Sri Lankan Accord compelled the government of Sri Lanka, to pass the Thirteenth Amendment to the Constitution in November 1987. The Amendment introduced the system of provincial councils in the country, thereby implementing an extensive system of devolution of power. The provincial councils were headed by governors, appointed by the president. The position of the governor was vested with strong powers, which included the power to refuse assent to statutes issued by the provincial council, returning them for consideration and forwarding them to the supreme court. This could in effect paralyse the statutory work of provincial councils.[50] The governor could dissolve the provincial council. In case of the failure of the provincial council, he was entitled to assume administrative powers in the province with sanctions from the president, which in effect would bring the province under the direct rule of the centre.[51]

The Amendment introduced solutions regarding the finance commission, as advocated by the TULF in its guidelines from 1985. The commission was to encompass the governor of the Central Bank of Sri Lanka, the Secretary to the Treasury and three other members representing the communities: Sinhalese, Tamil, and Muslim. The commission would counsel the president on the allocation of funds to the provinces.[52]

The Amendment introduced three lists of subjects, drawn on a similar frame to the two lists suggested by the TULF for the resolution of the conflict between the central and the provincial legislature. The first list, referred to as "The Provincial Council List", cited core areas within which the provincial councils could create statuses. These included police and public order, education, local government, land, etc. The second list, introduced as "The Reserved List", assembled subjects within which the

[49] Ibid., p. 148–151.
[50] Thirteenth Amendment to the Constitution of Sri Lanka, art. 154H.
[51] Ibid., art. 154L.
[52] Ibid., art. 154R.

central government had unique legislative power. These incorporated national policy, defence, foreign affairs, ports, etc. The third list, represented as "The Concurrent List", dwelled on subjects in which the centre originates legislation in cooperation with the provincial councils.[53]

The functioning of provinces under the Thirteenth Amendment was, in theory, similar to the functioning of states within the federal system of India. The major difference, as discerned by de Silva, was that "the Sri Lankan provincial councils would operate within the framework of the country's constitutionally-entrenched unitary system"[54].

The Thirteenth Amendment was criticised at length by members of the TULF for its lack of provisions to insulate power-sharing mechanisms. The main points of criticism focused on the unnaturally strong powers of the governor, the limited range of subjects included in the "Provincial List", and the central government's strong grip over legislative and executive power in the province.[55] Since the financial framework lacked extensive planning in its theorisation, it impended execution, as the economic inefficiencies of the provincial council system were highly visible.[56]

LTTE ISGA proposal (2003)

After the Indo-Sri Lankan Accord of 1987 was signed, India was obliged to send the Indian Peace-Keeping Force (IPKF) to assist the government of Sri Lanka with the task of subduing the LTTE. The methods employed by the IPKF, such as torture and executions, led to the alienation of the Tamil people, and served as an excuse for the LTTE to escalate its activities. The IPKF left Sri Lanka in 1989, but the enmity between the LTTE and the Prime Minister of India, Rajiv Gandhi, led to his assassination by a member of the LTTE in 1991.[57]

The subsequent years witnessed the intensification of the armed conflict, with a brief ceasefire in the years 1994–1995, when the newly elected president, Chandrika Bandaranaike Kumaratunga, started peace negotiations with the LTTE. The negotiations were eventually abandoned, due to the LTTE's increasing demands for the removal of government forces from Tamil-majority regions. The armed conflict

[53] Ibid., art. 154G.
[54] de Silva, *Power Sharing…*, p. 17.
[55] TULF, *Towards Devolution…*, pp. 153–156.
[56] Kelegama, 'Impossible Devolution…', pp. 237–253.
[57] Wickramasinghe, *Sri Lanka…*, pp. 304–307.

resurfaced and marked the genesis of the most intense phase of the civil war. In the following years, the LTTE orchestrated large-scale bombing attacks, leading to mass casualties of army personnel and civilians. This escalation of violence drew international criticism against the methods of the LTTE, and instigated its classification as a terrorist organisation by the United States of America.[58]

In 2002, the LTTE and the government of Sri Lanka signed a cease-fire agreement, brokered by Norway. Both factions of the ethnic conflict were encountering difficulties in financing the war and recruiting new soldiers. The financial problems of the LTTE were largely caused by its newly gained notoriety in the international media, which depleted their resources by discouraging sections of the Tamil diaspora from extensive financing of the movement. Consequently, the LTTE had adopted brutal methods of strong-arming towards Tamil civilians to extract money and recruits, resulting in many withdrawing support due to coercion. One of the propositions of the peace negotiations, initiated during the cease-fire, was the proposal issued by the LTTE for an Interim Self-Governing Authority (ISGA) in the North-East, to be released in October 2003.

The proposal requested granting the LTTE *de facto* governance over the North-Eastern parts of the country as a temporary measure, until independent elections could be organised. The ISGA was to be formed with an "absolute majority" of the LTTE, with some members appointed by the Government of Sri Lanka, in addition to including a section of representatives from the Muslim minority. This administrative body was to be given powers in the Tamil majority regions, without necessitating elections for a period of five years from the genesis of the agreement.[59] The powers granted to the temporary administration included taxation, revenue, finances of the provinces, administration and control over natural resources, including marine and offshore resources in the adjacent waters.[60]

While the question of a new constitution was not mentioned in the agreement, there was speculation, initiated by a Tamil journalist D.B.S.

[58] Asoka Bandaranage, *The Separatist Conflict in Sri Lanka: Terrorism, ethnicity, political economy*, London: Routledge, 2009, pp. 162–165.
[59] Edirsinha, Gomez, Thamilmaran and Welikala (eds), *Power-sharing in Sri Lanka…*, p. 670.
[60] Ibid., pp. 672–674.

Jeyaraj, that its ultimate aim was a joint preparation of a new constitution, which would contain extensive power-sharing arrangements.[61]

The ISGA proposal was criticised by Rohan Edrisinha and Asanga Welikala on the grounds of its *de facto* centralisation of power and lack of accountability. The researchers focused their criticism on four elements: its attitude towards the protection of human rights, the plenary powers of the ISGA, the financial aspects of the proposal, and the right to secession. The document declares that the ISGA was to be subject to international human right norms, the institution monitoring human rights violations would be controlled by the ISGA, potentially opening a conflict of interest. This conundrum was related to the concept of the 'plenary powers' of the ISGA, for the governance of the Northern and Eastern regions of the country. Granting the administrative authority plenary power in these regions would have given them absolute power, which as a proposal invalidated the purpose of power-sharing solutions. In the proposal, the ISGA was relatively detached from power-sharing, as visible in its proposed financial solutions. The Financial Commission of the ISGA was responsible for creating recommendations for financial transfers from the central government, without including representatives of the central government. The centre would lose control over decisions related to public spending within the sphere of control of the ISGA.[62]

The proposal did not comprise explicit speculation on the right to secession of the ISGA, but as Edrisinha and Welikala posit, some statements from the preamble of the document could form legal validation for secession. The introductory portion of the document states that the government of Sri Lanka perpetrated violence and persecuted members of minority groups, while noting that "elected representatives" were mandated by the Tamil people to establish an independent state, and defined armed struggle as a means of self-defence of the Tamil minority.[63] In exceptional circumstances, international law may be used in favour of the creation of an independent state, on the basis of the principles specified by the Canadian Supreme Court's resolution on the Quebec secession. The acceptance of proposals by the ISGA would validate the

[61] Ibid., p. 665.
[62] Rohan Edrisinha and Asanga Welikala, 'The Interim Self Governing Authority Proposals: A Federalist Critique' in *Essays on Federalism in Sri Lanka*, Rohan Edrisinha and Asanga Welikala (eds.), Colombo: Centre for Policy Alternatives, 2008, pp. 296–302.
[63] Edirsinha, Gomez, Thamilmaran and Welikala (eds), *Power-sharing in Sri Lanka…*, p. 668.

preamble, and create a semi-independent state in the areas controlled by the LTTE, thereby creating an additional argument for the possibility of a legal struggle for secession.[64]

Oluvil Declaration (2003)

At the onset of the 2002 peace talks, the leadership of the LTTE realised the potential benefit of rendering Muslim support for its requests, and issued a public apology for the expulsion of Muslims from the regions controlled by the LTTE. In April of 2002, the LTTE issued a joint communiqué with the Sri Lankan Muslim Congress (SLMC), in which the leaders of the two groups expressed an inclination for mutual cooperation, and fostering understanding between the communities. The communiqué recognised Muslims as a separate nationality, and the SLMC as the representative of the aspirations of this community. The instrumental treatment of the communiqué by the LTTE, led some members of the Muslim minority towards a stronger articulation of their political position.[65]

The Oluvil Declaration was a result of the rising tensions within the Muslim political associations, which demanded the introduction of adequate provisions for Muslim-majority areas, in case the government conceded to the demands of Tamil associations. Their primary concern was the possibility of political marginalisation in a new, decentralised unit.[66]

The Declaration was announced in January 2003 at a political rally in Oluvil, Ampara, a district in the Eastern Province, and was organised by the student body of the South Eastern University, which included members and sympathisers of the Muslim minority. The document was a request for the recognition of Muslims as a separate nationality, with a right to self-determination. The concept of nationality was further defined as "a unique group of people bound by a common political consciousness and a unique culture".[67]

The Declaration demanded the formation of an autonomous political unit in the Muslim-majority areas of the North and East, as well as for the

[64] Edrisinha and Welikala, 'The Interim…', pp. 306–307.
[65] Edirsinha, Gomez, Thamilmaran and Welikala (eds), *Power-sharing in Sri Lanka…*, pp. 678–690. Comp. Kelegama, 'Impossible Devolution…', p. 245.
[66] de Silva, *Power Sharing…*, p. 19.
[67] Ibid., p. 686.

protection of Muslim rights of inhabitants living outside these areas. This demand came out of the assumption, that the Tamil struggle for autonomy within the federal union would come to fruition. The degree of autonomy of the Muslim areas was not discussed, thereby pushing the Muslims to demand that "any agreement or political decision" needs to be consulted with representatives of the Muslim minority.[68]

The document criticised the domination of the North and East Tamil people over the rest of the inhabitants of these regions. This was motivated by the fact that LTTE had a history of violence against the Muslim minority, with an instance of mass expulsion of Muslims from the regions under its control in 1990.

SLMC GSEAA proposal (2008)

In 2008, the Sri Lankan Muslim Congress issued another power-sharing proposal, demanding the formation of the Greater South East Autonomous Area (GSEAA). The document presented an intricate vision of a power-sharing solution for the country, focusing on the functioning of a relatively small area with predominance in the Muslim population.[69]

The introductory portion of the proposal outlined a description of the experiences of Sri Lankan Muslims, concentrating on their history of peaceful cooperation with other groups, and emphasising, that they faced repercussions as a minority dominated by the clash of Tamil and Sinhalese interests. The document criticised the state-sponsored colonisation of the Northern and Eastern Provinces by the Sinhalese population and the widespread discrimination of the minorities of the country, based on religious, ethnic, and linguistic divisions. It also offered a brief criticism of Tamil ethno-nationalism, which escalated in the 1980s, resulting in ethnic cleansing of Tamil-majority areas and the displacement of the Muslim minority. These experiences are presented as an argument emphasising the necessity of arriving at a solution enabling peaceful cooperation of all the communities inhabiting Sri Lanka.[70]

The Sri Lankan Muslim Congress sustained the assumption that stable peace can be engendered only after the establishment of a new constitution, which would include extensive power-sharing solutions. Since acceptance of the conditions presented in the final constitution was

[68] Ibid., p. 687.
[69] Ibid., p. 699.
[70] Ibid., p. 701.

likely to be delayed, the proposal introduced a series of "constitutional principles", which were meant to serve as guidelines for the process of negotiations on a common agreement. First among these principles was the agreement that Sri Lanka is a free, "sovereign, democratic, independent and indivisible state". This provision was perhaps aimed at critics of the proposals of federal devolution of power, who were likely to oppose it arguing, that it might lead to secession. The second point demanded the recognition of the intrinsically pluralistic character of the society of Sri Lanka. The following points, totalling eighteen in number, were concerned with participation of the members of minorities in the central government, the representation of citizens in the legislature and a flexible and empowering system of devolution of power. A separate statement was issued with regard to the official languages of the Island, which demanded the recognition of Sinhala and Tamil, with English listed as a national language. SLMC also demanded the introduction of a multiparty democratic system within the devolved units of the country.[71]

Subsequent parts of the proposal specified regulations concerned the GSEAA, since designing its structure was complicated by the fact that Muslim-majority areas in Sri Lanka, while generally aggregated in a single area, also occur in disjoint centres throughout the Northern and Eastern Province. The proposed solution to this spatial complication was the creation of a core territory of the GSEAA, consisting of three polling divisions in the Eastern Province: Kalmunai, Pothuvil and Sammanthurai, and included several other non-contiguous divisions in other districts. The government of the GSEAA would reside in its core territory.[72]

The highest authority within the GSEAA was to be a Council, consisting of elected representatives. The Council was to elect a First Minister, who in turn would select a maximum of 6 members to the Board of Ministers of the Council. The GSEAA was supposed to wield legislative and executive powers within its borders and it was also expected to govern over finances of the areas, economic programs, taxation, and administration. The financial sources of the GSEAA, apart from taxes, were to be allocations from the national consolidated fund, as well as grants dependent on unexpected circumstances. It had the prospect of receiving foreign grants and loans with the permission of the central government. The GSEAA was also expected to partake of the regional

[71] Ibid., p. 704.
[72] Ibid., p. 705–706.

fund, provided for the functioning of the Northern and Eastern Provinces.[73]

A separate body, the Equality Commission, would monitor the impartiality of the laws and policies of the GSEAA with regard to its citizens. The Commission was to consist of representatives of the three communities: Muslims, Tamils and Sinhalese, who were to be appointed by the president.[74]

The problem of coordination between the GSEAA and the central government, as well as with the adjacent provinces, was to be solved by special councils. An Over-arching Coordinating Council, consisting of representatives of the central government, the GSEAA, the Northern and Eastern Provinces and of the Uva Province, was to oversee cooperation in spheres that affect more than one province. These included areas of irrigation, land, highways and marine resources. A Coordinating Council, consisting of the representatives of the central government and the GSEAA, was to ensure cooperation between the centre and the autonomous area. Two Inter-provincial Coordinating Councils, one between the GSEAA and the Northern and Eastern Provinces, and one between the GSEAA and the Uva Province, were to resolve issues concerning two provinces. A series of District Coordinating Committees was to resolve conflicts at the levels of individual districts.[75]

The proposal of the establishment of the GSEAA was based on the premise of far-reaching devolution of power, and assumed that the central government would bend to some of the requests of the Tamil minority. This assumption is visible in the proposal's treatment of the Northern and Eastern Provinces as a single political unit, as the unification of these was one of the principal demands of Tamil theorists.

Conclusion

Among the documents brought forward in the above analysis, two stand out due to their comprehensive vision of the functioning of devolutionary structures: the model constitution, proposed by the ITAK in 1970, and the GSEAA proposal, issued by SLMC in 2008. Both these documents were evidence of the intense struggle of the members of the

[73] Ibid., p. 707.
[74] Ibid., p. 708.
[75] Ibid., p. 709.

respective associations, and showed continuous consultations with international experts on constitutional law.

The minority proposals of power-sharing in the study are often considered failed attempts at shaping the political development of the country. The two Chelvanayakam pacts were never acted upon. The model constitution proposed by ITAK was followed by two constitutions, in 1972 and 1978, defining the country as a unitary state, and coined in strong nationalist terms. The GSEAA proposal of the Muslim Congress came at the end of the armed struggle, shortly before the Tamil minority lost a major bargaining tool, namely its military control over part of the country. The GSEAA could therefore not come to fruition, as it was based on the premise of an introduction of devolutionary mechanisms demanded by representatives of the Tamil minority.

This interpretation would overlook wider developments in the Sri Lankan political system, such as the Thirteenth Amendment to the Constitution of Sri Lanka, which introduced a broad system of devolutionary measures into the constitution. The system of provincial councils remained largely dysfunctional in the provinces which were to be the major beneficiaries of it due to the resurgence of armed conflict,[76] but offered a legal precedent which could be incremental in the future. The Amendment did not introduce the federal solution that the ITAK had fought for, but offered an alternative solution by granting a degree of autonomy without violating the unitary constitution of the country.

The end of the civil war in 2009 did not bring immediate reconciliation between the Sinhalese and Tamil populations of the country. The president heading the country at the time, Mahinda Rajapaksa, was known for his Sinhalese nationalistic ideology and strong-hand rule. The president passed legislation increasing his powers, which went against the spirit of reconciliation. The situation changed in 2015, when the office of the president of Sri Lanka was assumed by Maithripala Sirisena. The new president commenced work on reforming the system of the executive presidency, and the first effect of his policies appeared in April 2015, in the form of the Nineteenth Amendment to the Constitution of Sri Lanka. The amendment limited the length of the presidential term to five years

[76] Kelegama, 'Impossible Devolution…', p. 240.

from the previous six, and restored the two-terms limit for the president, which was previously abolished by Rajapaksa.[77]

The government of Sirisena commenced work on a new constitution, which is reckoned to contain strong devolutionary measures, but the president rejected the possibility of the introduction of a federal system. The general speculation, as seen in the Sri Lankan press, is that the new constitution will retain the devolutionary measures introduced by the Thirteenth Amendment, while correcting its major defects, in addition to reducing the powers of the president.[78]

Historical attempts at the introduction of power-sharing mechanisms in Sri Lanka were often regarded with suspicion by Sinhalese society due to their elitist origins and secretive design.[79] This factor is still valid with regard to the new constitutional design, which is strongly opposed by some sections of society.[80] As passing the new constitution requires the approval of the majority of the population, this attitude of distrust may disrupt the process.

Tamil proposals for power-sharing should be understood in relation to their separatist demands, which became the major incentive for the civil war. The most popular proposals cited in the study cognise power-sharing in a limited sense of the term, as devolution and regional autonomy, and place comparatively little emphasis on the representation of minorities at the national level. This point of emphasis came to prominence in the 1950s, with the emergence of the ITAK as the major representative of the Tamil minority, sidelining the ACTC. [81] This preoccupation with autonomy could be connected with the struggle to re-establish a regional Tamil government in a form symbolically representative of the ancient Tamil kingdoms.

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[77] Asanga Welikala, 'Introduction' in *The Nineteenth Amendment to the Constitution: Content and Context*, Asanga Welikala (ed.), Colombo: Centre for Policy Alternatives, 2016, pp. 14–27.

[78] Sri Lanka Opposition Leader hopes a new constitution would find a permanent solution to the ethnic issue, ColomboPage, 30.06.2017: http://www.colombopage.com/archive_17B/Jul30_1501394003CH.php (accessed 10.07.2017).

[79] Kelegama, 'Impossible Devolution…', p. 244.

[80] Dayan Jayatileka, 'The TNA's 'Emil Savundra Method' of Constitution-Making', *Colombo Telegraph*, 20.06.2017: https://www.colombotelegraph.com/index.php/the-tnas-emil-savundra-method-of-constitution-making/ (accessed 10.07.2017).

[81] de Silva, *Power Sharing…*, pp. 5–6.

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Inclusion and Power-Sharing in Pacific Asia: From Consociationalism to Centripetalism

Abstract

This paper looks at the changing nature of political power-sharing in the Asia-Pacific region, characterised by the ethnically-plural democracies and semi-democracies, and it reviews several cases in terms of their institutional structures and mechanisms adopted for the purpose of political inclusion. The paper states that the classic consensual recommendations of parliamentary rule, proportional elections and ethnic parties have been abandoned in favour of more majoritarian and multiethnic models of governance. In this shift from one model of power-sharing to another, political inclusion in Southeast Asia then increasingly takes place informally, through centripetal rather than consociational means, via some key institutional mechanisms: oversized but not grand coalition governments; aggregative rather than segmental political parties; ethnically-mixed federal or other sub-national jurisdictional units; and majoritarian, vote-pooling political institutions. As a result, this "Asian model" of political inclusion stands in contrast and in many ways in opposition to the classic consensual recommendations.

Keywords: power-sharing, consociationalism, centripetalism, Pacific Asia, political inclusion

Introduction

This paper looks at the changing nature of political power-sharing in the Asia-Pacific region, with a particular focus on the ethnically-plural democracies and semi-democracies of Pacific Asia (that is, Southeast Asia and the Southwest Pacific). On the face of it, this region does not appear propitious for political inclusion: most democracies are fragile or failing; societies are divided along multiple ethnic, linguistic, religious and other cleavages; and institutional structures are mostly majoritarian, privileging presidentialism, dominant parties and majority rule over the representation of minorities. In the past, various states (Myanmar, Cambodia, Indonesia, Malaysia, Philippines, Fiji) sought to manage

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diversity via formal power-sharing guarantees or guarantees for minorities. Today political inclusion mostly takes place informally, via three key institutional mechanisms: oversized coalition governments; aggregative political parties; and centripetal electoral institutions. With a few partial exceptions (e.g. Malaysia), the classic consensual recommendations of parliamentary rule, proportional elections and ethnic parties have been abandoned in favour of more majoritarian and multiethnic models of governance.

This shift over time from one model of power-sharing to another has taken place against the backdrop of successive attempts at democratisation and great variation in both political and economic development. The region today contains some of the world's richest (Singapore) and poorest (East Timor) states, as well as a full spread of regime types: electoral democracy in Indonesia, the Philippines, East Timor and Papua New Guinea; soft-authoritarian 'quasi-democracy' in Singapore and Malaysia; resilient Communist regimes in Laos and Vietnam; military-electoral juntas in Thailand and Fiji; an absolute monarchy in Brunei; and even an ongoing democratic transition in Myanmar (formerly Burma).

This diversity of regime types is matched by a huge variation in social structure, overlaid by an unusual relationship between democracy, development and diversity. Unlike the common pattern in Africa and indeed other parts of the world, where under-development and ethnic heterogeneity have combined to undermine democracy's prospects, in Pacific Asia democracy has been most successful in the region's poorer and most ethnically-diverse states such as Indonesia, Timor-Leste, Papua New Guinea, the Philippines and most recently Myanmar – all of which also rank low on aggregate measures of educational attainment, literacy, maternal health and other human development indicators.

Indonesia, the region's standout democracy, is a Muslim-majority country of over 260 million people, spread over thousands of islands and hundreds of different ethno-linguistic groups, as well as all the world's major religions. As with its democratic neighbours, the Philippines and East Timor, electoral democracy overlays deep social and religious divisions, widespread poverty, and acute challenges of national governance. Myanmar too is an ethnic kaleidoscope, with seven ethnic states, over 100 official ethnic minorities, a multitude of identity schisms (including an increasingly deep divide between the Buddhist majority and

the Muslim minority, particularly the Rohingya), and a long and ongoing history of minority ethnic insurgency. Structurally, each of these states combine a majority religious culture – Sunni Islam in Indonesia, Catholicism in the Philippines and East Timor, Buddhism in Myanmar – with a preponderance of distinct regionally-based, ethno-linguistic communities. Indonesia, for instance, as the world's most populous and culturally-complex emerging democracy, encompasses a large and pluralistic Islamic majority as well as Christian, Buddhist, Hindu and other religions, a small but economically powerful Chinese minority, and hundreds of diverse local ethno-regional identities.

The region's semi-democracies of Singapore and Malaysia, by contrast, have a more polarised ethnic history - which partly explains the emergence and resilience of their quasi-authoritarian political models dominated by party-state 'partocracies', the Peoples Action Party (PAP) in Singapore and the Barisan Nasional (BN) multiethnic coalition in Malaysia. One indicator of this dominance is the lack of turnover of power: neither Singapore nor Malaysia have ever experienced a change of government, in large part due to restrictions on the rights of opposition parties combined with electoral gerrymanders, a compliant judiciary and a pro-government press. Both also have deep if relatively latent ethnic divisions, with a clear majority community (Chinese in Singapore, Malays in Malaysia) and large minorities drawn from the opposite community in each case.

This prevalence of democracy in the poorest and most ethnically-diverse states continues into the South Pacific, where ethno-linguistically fractionalised Melanesian states have a superior democratic record to the otherwise more developed Polynesian islands. This is particularly the case in relation to Papua New Guinea (the world's most ethnically-heterogeneous state on some indicators [1]), which despite massive governance challenges and underdevelopment has maintained formal electoral democracy for almost five decades. By contrast, smaller but also more polarised cases such as the Solomon Islands, Vanuatu and Fiji have all experienced periods of democratic failure, state collapse or military intervention in recent years.[2]

[1] James Fearon, 'Ethnic and Cultural Diversity by Country', *Journal of Economic Growth*, Vol. 8, No. 2, June 2003, pp. 195–222.

[2] See Benjamin Reilly, 'Democracy, Ethnic Fragmentation, and Internal Conflict: Confused Theories, Faulty Data, and the "Crucial Case" of Papua New Guinea', *International*

Cases

Pacific-Asia therefore represents an important testing group for many theories of ethnic conflict and conflict management in the broader scholarly literature. One is the ongoing debate between consociational and centripetal approaches to the design of political institutions in ethnically plural society. As I will discuss in the next section, Indonesia's unlikely success over the past decade in successfully combining this diversity with electoral democracy has many historical and sociological explanations, but also owes something to centripetal strategies of constitutional design in its electoral and party laws, including incentives for cross-national (and thus cross-ethnic) party laws, presidential nominations and presidential elections. Other examples of centripetalism in the region include the use of ethnic cross-voting electoral systems in Singapore, Philippines and PNG, as well as more short-lived experiments in Fiji and recommendations (not yet adopted) for similar systems in the Solomon Islands and Tonga.[3]

Other states are currently in transition. One example is Myanmar, the region's newest electoral democracy, which warrants attention for its history of ethnic grievance, separatism and repression. Attempts to manage the politics of ethnicity, while changing over time, have been central to the country's emergence and history, starting with the 1947 Constitution which contained explicit recognition of ethnicity in the constitutional structure, including an upper house designed to give minorities political power in the national government. The 125-seat "House of Nationalities" explicitly granting representation to Shan, Kachin, Chin, Kayah, Katens and other minorities, including four seats reserved specifically for the Anglo-Burmese. This was abandoned in 1974, when Prime Minister Ne Win abolished the upper house as part of the "Burmese road to socialism", but partly reintroduced in the third and current 2008 constitution, with each of the country's "major ethnic national races" recognised in a quasi-federal structure. Seven ethnic 'states' (mostly in the highland peripheries) are designated for groups such as the Shin, Karen and Shan, while seven 'regions' in the country's

Security, Vol. 25, No. 3, 2000, pp. 162–185; Benjamin Reilly, 'State Functioning and State Failure in the South Pacific', *Australian Journal of International Affairs*, Vol. 58, No. 4, 2004, pp. 479–493.

[3] Tonga's Constitutional and Electoral Commission (2008) recommended that the Single Transferable Vote be adopted for future elections. In the Solomon Islands, reform debates have focused on the Alternative Vote. Neither has yet been adopted.

centre represent the majority Burmans (Bamars). Despite the different nomenclature, states and regions are constitutionally equivalent, although in practice the representation of ethnic minorities differs widely. This is most apparent in relation to the officially recognised Rakhine (who, like the vast majority of the country, are Buddhist), but not the Muslim Rohingya people who also live mainly in Rakhine state. These are not recognised by the government as an ethnic nationality of Burma, and have been rendered stateless by successive Myanmar administrations, including the new, democratically-elected National League for Democracy government.

Other states display a similar if less complex ethnic mélange. Malaysia is divided not only between the majority *bumiputera* (literally, 'sons of the soil') Malays and indigenous groups (comprising 62% of the population in total), and the significant Chinese and Indian minorities, but also between peninsula Malaysia and the more fragmented eastern states of Sabah and Sarawak on the island of Borneo. The Philippines is split at a national religious level between its Roman Catholic majority and a Muslim minority concentrated in the southern region of Mindanao, and is linguistically fragmented too. In Thailand, too, the "deep south" has seen a persistent resistance to the central government based on Muslim identity and deep-rooted history of ethnic discrimination and violence. Ethnic Chinese minorities are also present and influential in all states, as they are across East Asia.

The consequences of this multi-layered cultural, regional and religious diversity for Southeast Asia's political development have been profound. Political party fragmentation has been a recurrent concern in Indonesia, for instance – both following the collapse of the Suharto regime, but also earlier, during the country's initial democratic interlude in the 1950s, when shifting coalitions of secular, Islamic, nationalist, communal and regional parties led to six changes of government in seven years, providing a ready pretext for the overthrow of democracy and the declaration of martial law by president Sukarno in 1957. Similarly, the Philippines has long suffered from the consequences of its fragmented social landscape of *cacique* plantation owners, local strongmen, regional warlords and peasants: weak and personalised political parties, clientelistic and patrimonial politics, and an ongoing crisis of underdevelopment. The 'semi-democratic' political systems of both Malaysia and Singapore evolved partly as a result of a perceived need to

control the political expression of ethnicity; the management of communal relations has remained a cornerstone of politics in both states. Even Thailand, which often claims to be culturally homogenous, has seen a marked politicisation of ethnicity in the past decade, not just in the Muslim 'deep south' but also between the centre and the northeast.

In part because of this close historical connection between democratisation and the politicisation of ethnicity, in recent years numerous Pacific Asian countries have engaged in overt 'political engineering' to manage ethnic diversity, via the conscious design or redesign of political institutions. In different ways, and at different points in time, democratic reforms in Indonesia, Thailand, Papua New Guinea and the Philippines enabled the introduction of new political institutions designed to encourage more nationally-focused political competition and reduce the appeal of sectional or localised parties – even as new democratic freedoms encouraged such parties to develop. The semi-democracies of Malaysia and Singapore have also introduced modest reforms in this direction, although with the pre-eminent aim of strengthening incumbent governments and their hold on power.

Drawing on some of my previous work, this paper argues that these reforms have resulted in a shift away from the consociational models prevalent in the immediate post-independence period towards more integrative and centripetal forms of democracy in recent years.[4] Pacific Asia's consociational experiments of earlier decades with communal parties, proportional elections and national unity governments have increasingly been rejected in favour of new rules designed to transcend or impede, rather than express and reinforce, social cleavages.[5] Reforms aimed to achieve multiple objectives: insulate executives from political pressure, limit the political expression of ethnicity, forge more stable political systems – and also restricting potential challengers to the established order, enabling a greater focus on growth-promoting public goods rather than side-payments to segmental elites. As one recent book-length study of Southeast Asia observed,

[4] See Benjamin Reilly, *Democracy and Diversity: Political Engineering in the Asia-Pacific*, Oxford: Oxford University Press, 2006.
[5] Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration*, New Haven CT: Yale University Press, 1977.

> "political elites deliberately constructed a set of centripetal democratic institutions that facilitated the emergence of democratic developmental states…In each instance, centripetal democratic institutions proved to be particularly fertile ground for pursuit of development as they enabled and enticed political parties to provide the public goods and policies needed to get growth going".[6]

The story of this turn towards centripetalism has to be seen in the context of earlier, failed attempts to construct democratic polities. In Indonesia, for instance, elites feared a return to the fissiparous and immobilised politics of the 1950s, when "ethnic conflict of two kinds, religious-based and cultural/regional-based, threatened to tear apart the infant republic".[7] In Malaysia and Singapore, reforms aimed to manage not just ethnicity but also class-based and communist insurgencies.[8] In Thailand, centripetal reforms aimed to promote more broad-based national policies rather than the segmental and particularised approaches of the past.[9] In Papua New Guinea and the Philippines, building more stable and coherent political parties was high on the list, as was dealing with electoral violence.[10] Managing ethnicity was an undercurrent in all of these cases, but not always the headline. But as numerous studies have shown, by sidelining minorities and promoting centrist government, centripetal institutions based around insulated executives and bridging political parties tend to have economic payoffs too. This is a fundamental conclusion of Haggard and Kaufman's analysis of democratic transitions,

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[6] Michael Rock, *Dictators, Democrats and Development in Southeast Asia*, New York: Oxford University Press, 2016, pp. 233–234.

[7] R. William Liddle, 'Coercion, Co-optation, and the Management of Ethnic Relations in Indonesia' in *Government Policies and Ethnic Relations in the Asia-Pacific*, Michael E. Brown and Šumit Ganguly (eds), Cambridge MA and London: MIT Press, 1997, p. 311.

[8] Dan Slater, *Ordering Power: Contentious Politics and Authoritarian Leviathans in Southeast Asia*, New York: Cambridge University Press, 2010, p. 93.

[9] Joel Selway, 'Electoral Reform and Public Policy Outcomes in Thailand', *World Politics*, Vol. 63, No. 1, 2011, pp. 165–202.

[10] Benjamin Reilly, 'Introduction' in *Political Parties in Conflict-Prone Societies: Regulation, Engineering and Democratic Development*, Benjamin Reilly and Per Nordlund (eds), Tokyo: United Nations University Press, 2008.

and has been supported by Rock's recent synoptic study of Southeast Asian developmental democracy.[11]

The Eclipse of Consociationalism[12]

Consociational prescriptions are based on the principle that each ethnic polity should enjoy a significant degree of autonomy and a right of veto over matters directly affecting the welfare of its members. Emphasising the need for elite cooperation if democracy is to survive in ethnically-cleaved societies, consociational agreements entail a balance of power within government between clearly defined social segments, brokered by identifiable ethnic leaders representing distinct social groups. Arend Lijphart, the scholar most associated with the consociational model, developed this prescription from a detailed examination of the features of power-sharing democracy in European countries such as the Netherlands, Belgium and Switzerland, and there is disagreement over the extent to which these measures can be applied to other regions.[13] However, there is little doubt that consociationalism represents the dominant model of power-sharing for "plural societies" – that is, in Lijphart's terminology, "societies that are sharply divided along religious, ideological, linguistic, cultural, ethnic or racial lines into virtually separate sub-societies with their own political parties, interest groups, and media of communication".[14]

In terms of political engineering, consociationalists focus on core democratic institutions such as political parties, electoral systems, and cabinet governments, and on the territorial division of state powers via federalism. In each case, the focus is on defining and strengthening the autonomy of communal components of the society in question. In terms of political parties, for example, consociational approaches favour parties which represent social cleavages explicitly, via what Pippa Norris has

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[11] Stephan Haggard and Robert Kaufman, *The Political Economy of Democratic Transitions*, Princeton NJ: Princeton University Press, 1995; Rock, *Dictators, Democrats and Development…*.

[12] This section draws on my chapter 'Political Reform and the Demise of Consociationalism in Southeast Asia' in *The Crisis of Democratic Governance in Southeast Asia*, Aurel Croissant and Marco Bünte (eds), New York: Palgrave Macmillan, 2011.

[13] See Benjamin Reilly, *Democracy in Divided Societies: Electoral Engineering for Conflict Management*, Cambridge: Cambridge University Press, 2001, pp. 185–192.

[14] Arend Lijphart, *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, New Haven CT and London: Yale University Press, 1984, p. 22.

characterised as "bonding" rather than "bridging" strategies – that is, parties which "focus upon gaining votes from a narrower home-base among particular segmented sectors of the electorate".[15] The ideal party system for consociationalists is one based around clear social cleavages in which all significant groups, including minorities, can seek representation through their own, ethnically-based parties. Only via parties based upon segmental cleavages, consociationalists contend, can political elites negotiate delicate ethnic issues effectively.[16] To ensure the fair representation of such ethnic parties, consociational prescriptions invariably recommend proportional representation (PR) electoral systems, with a preference for large-district party list systems to ensure parity between the proportion of the vote won by a party and its parliamentary representation.[17]

Finally, consociationalism advocates 'grand coalition' governments, in which all significant parties (and therefore groups) are given a share of executive power, and in which minorities have the right of veto over important issues directly affecting their own communities. Malaysia's ethnically-defined political system, in which communal parties representing Malay, Chinese and Indian voters come together to form a national alliance or *Barisan Nasional*, a multi-racial coalition of 14 parties across both East and West Malaysia, has frequently been identified as the clearest example of consociationalism in Southeast Asia.[18] Singapore has also been identified as operating according to consociational principles, although of course it, like Malaysia, is far from a competitive democracy.[19]

Consociational arrangements were also once widespread in Asia's initial post-colonial democratic experiments in the 1950s. In Burma, for

[15] Pippa Norris, *Electoral Engineering: Voting Rules and Political Behavior*, Cambridge: Cambridge University Press, 2004, p. 10.
[16] See Arend Lijphart, 'Self-determination Versus Pre-determination of Ethnic Minorities in Power-sharing Systems' in *The Rights of Minority Cultures*, Will Kymlicka (ed.), Oxford: Oxford University Press, 1995.
[17] Arend Lijphart, 'Electoral Systems, Party Systems and Conflict Management in Segmented Societies' in *Critical Choices for South Africa: An Agenda for the 1990s*, R.A. Schreirer (ed.), Cape Town: Oxford University Press, 1990, pp. 2 and 13.
[18] See, for instance, William Case, *Elites and Regimes in Malaysia: Revisiting a Consociational Democracy* Monash: Monash Asia Institute, 1996.
[19] See Narayanan Ganesan, 'Democracy in Singapore', *Asian Journal of Political Science*, Vol. 4, No. 2, 1996, pp. 63–79.

example, "the principle of institutional separation by ethnicity was ingrained during the colonial period".[20] Burma's 1948 constitution not only provided for ethnically-based states, but also reserved parliamentary seats for specified groups and ethnic 'councils' to look after the interests of intermixed or dispersed minorities.[21] Lijphart identifies Indonesia's short-lived democratic incarnation in the 1950s as another example of Southeast Asian consociationalism.[22] A list PR electoral system was combined with guaranteed representation for specified numbers of Chinese, European, and Arab minorities,[23] and religious-communal parties were routinely included in (short-lived) grand coalition governments, on the assumption that "ethnic and other demands would be articulated through the party system and conflicts would be settled through negotiation and compromise in the parliament".[24]

The one shared feature of all these examples of consociational government is that they proved incompatible with open, competitive democracy. As a result, either democracy or consociationalism, or both, were abandoned in almost every case. In Indonesia, the 1950–1957 parliament represented virtually the full spectrum of the country's social diversity, but its inability to maintain a stable political centre led directly to the end of democracy in 1957 and four decades of authoritarian rule. The guarantees for minorities were abandoned and not reintroduced. Burma's post-independence democracy survived for 14 turbulent years until 1962, before being overthrown in a military coup which had strong ethnic motivations. The country's 1974 Constitution then abandoned the ethnic states model, although they were recreated, in slightly different form, in the current (2008) Constitution.

Similarly, there are four examples of consociational-style grand coalitions in the contemporary period, none of them successes. Cambodia introduced a mandated grand coalition cabinet with PR elections as part

[20] Ian Holliday, 'Voting and violence in Myanmar: nation building for a transition to democracy', *Asian Survey*, Vol. 68, No. 6, 2008, p. 1050.
[21] J.S. Furnivall, *Colonial Policy and Practice: A Comparative Study of Burma and Netherlands India*, Cambridge: Cambridge University Press, 1948, p. 169.
[22] Lijphart, *Democracy in Plural Societies...*, pp. 198–201.
[23] See Allen Hicken and Yuko Kasuya, 'A guide to the constitutional structures and electoral systems of east, south and southeast Asia', *Electoral Studies*, Vol. 22, 2003, p. 135.
[24] William Liddle, 'Coercion, Co-optation, and the Management of Ethnic Relations in Indonesia' in *The Architecture of Democracy: Constitutional Design, Conflict Management and Democracy*, Andrew Reynolds (ed.), Oxford: Oxford University Press, 2002, p. 286.

of its 1993 UN-tailored constitution, but this arrangement never functioned democratically and was abandoned in 2006. Fiji's 1997 multiracial Constitution, modelled on South Africa's, had a short and troubled history due largely to the mandatory power-sharing provision for grand coalition governments, which were prescribed but never actually embraced, and finally abandoned after a military coup in 2006. A third example comes from Indonesia, where the first democratically-chosen President following the fall of Suharto, Abdurrahman Wahid, forged a series of all-party cabinets over the course of his presidency from 1999 to 2001. All three cases illustrate the difficulties of the grand coalition model, which while attractive in theory has often proved unworkable in practice. Indeed, Malaysia's multi-ethnic coalition is the only example of this model left in Pacific Asia– but there the loser has not been consociationalism as much as democracy itself, as Malaysia has moved ever further along the spectrum of ethnic autocracy as successive prime ministers from Mohamad Mahathir to Najib Razak have used ethnic cues to prolong their hold on power and create a Malay-Islamic state.[25]

The experience of each of these cases bares examination to show how unsatisfactory formal power-sharing provisions have been in Pacific Asia. Cambodia's grand coalition, which came about primarily because of the unwillingness of the CPP to relinquish power after the 1993 elections, demonstrates the difficulties involved in maintaining power-sharing in the absence of an accommodatory political culture. Since it reflected neither the election outcome nor common policy ground between the two parties, the co-prime ministerial arrangement never functioned well: the CPP remained in effective control of most of the armed forces, the bureaucracy and the judiciary, while FUNCINPEC's attempt to gain a greater share of real power paralysed the executive branch and the National Assembly. After a series of political crises, the coalition fell apart completely in 1997 when the CPP forces of the 'second Prime Minister', Hun Sen, attacked those of FUNCINPEC and the 'first Prime Minister', Prince Ranariddh, and claimed power alone.

The shaky CPP-FUNCINPEC coalition was revived again after the 1998 and (after much wrangling) 2004 elections – not through any rapprochement between the party leaders, but solely due to the two-thirds

[25] James Chin, 'Pseudo-democracy and the making of a Malay-Islamic state' in *Routledge Handbook of Southeast Asian Democratization*, William Case (ed.), New York and London: Routledge, 2015.

requirement for government formation that had earlier been inscribed, at the CPP's insistence, into the constitution. With observers branding it "a significant obstacle to forming elected government and to political stability",[26] the two-thirds rule was finally abandoned in 2006 when the CPP dropped FUNCINPEC and joined with a renewed Sam Rainsey Party in order to vote through the lower threshold of a bare majority vote for government formation. This ended Cambodia's pretence of grand coalition power sharing, further solidifying Hun Sen's grasp on power, which continues to this day.

In Fiji, the constitutional provision that all parties winning at least 10% of seats in parliament be proportionately represented in the cabinet was made unworkable by the unwillingness of some parties to abide by the power-sharing rules of the Constitution. Following the election in 1999 of Fiji's first Indo-Fijian Prime Minister, Mahendra Chaudhry, the major Fijian opposition party rejected the option of taking up their share of cabinet seats – an option open to them only because the openly-worded power-sharing provisions of the constitution made participation in the national unity government optional, not mandatory. Chaudhry's government was overthrown in an ethnic coup a year later. The power-sharing issue was revisited at the 2001 elections, when the victorious Fijian prime minister, Laisenia Qarase, refused to invite Labour members to take up the cabinet positions due to them. Qarase defended his decision by claiming that a grand coalition would not contribute to a stable and workable government or the promotion of national unity. Following a Supreme Court decision affirming that the power-sharing requirements were mandatory, Qarase responded by offering the Fijian Labour Party a range of minor ministries in an expanded cabinet – an offer that was rejected, precipitating another constitutional crisis, which became one of several claimed justifications for Fiji's third coup to remove an elected government by the military's Commodore Frank Bainimarama.[27]

In Indonesia, the grand coalition experiment was similarly troubled. President Wahid came to power in October 1999 via a complex process of political bargaining within the newly-enshrined legislature, following Indonesia's first democratic elections in over 40 years. None of the

[26] Robert B. Albritton, 'Cambodia in 2003: On the Road to Democratic Consolidation', *Asian Survey*, Vol. 44, No. 1, 2004, p. 102.
[27] Brij Lal, 'Fiji's Constitutional Conundrum', *The Round Table*, Vol. 92, Issue 372, October 2003, pp. 671–685.

leading parties had the numbers to govern alone, and Wahid's National Awakening Party was one of many small parties jostling for power. Amidst frantic cross-party negotiations, Wahid's supporters forged a broad but unstable coalition of Islamic and secular parties, resulting in his surprise ascension to the presidency. He proceeded to form a grand coalition government encompassing a broad spectrum of Indonesian society including party, religious, and regional representatives. However, this 'National Unity Cabinet' proved highly unstable in practice, with a bewildering array of ministers appointed and then removed over the 22 months of Wahid's presidency. Following a protracted power-struggle the Indonesian legislature – the only directly-elected organ of state in existence at the time – began to assert its growing strength vis-à-vis the president, and in August 2001 Wahid was effectively impeached and replaced by his vice-president, Megawati. Since then, all Indonesian governments have adopted more familiar oversized but far from grand coalitions along the *Gotong Royong* (mutual co-operation) model, in which some but not all opposition parties are co-opted to join cabinet. While such *kabinet pelangi* ('rainbow cabinets') carry a range of problems of their own, they have not experienced the crippling dysfunction of Wahid's grand coalition experiment.[28]

Just as formal power-sharing executives have been abandoned, so too have some of the other key precepts of consociational democracy: parliamentarism, proportional elections, and ethnic parties representing distinct social segments. Of the four genuine democracies in Southeast Asia today (Indonesia, Philippines, East Timor and most recently Myanmar), all have adopted presidential or semi-presidential systems of government, despite the well-known problems of this model.[29] Moreover, Indonesia and East Timor combine this model with PR elections for the legislature, along Latin American lines, despite scholars identifying this as a particularly "difficult combination" which can undermine the development of strong parties.[30] Both East Timor and Myanmar have

[28] See Dan Slater, 'Indonesia's Accountability Trap: Party Cartels and Presidential Power after Democratic Transition', *Indonesia*, Vol. 78, 2004, pp. 61–92.
[29] Juan Linz, 'The Perils of Presidentialism', *Journal of Democracy*, Vol. 1, No. 1, 1990, pp. 51–69; John Gerring, Strom Thaker and Carola Moreno, 'Centripetal Democratic Governance: A Theory and Global Inquiry', *American Political Science Review*, Vol. 99, No. 4, 2005, pp. 567–581.
[30] Scott Mainwaring, 'Presidentialism, multipartism, and democracy: The difficult combination', *Comparative Political Studies*, Vol. 26, No. 2, 1993, pp. 198–228.

adopted variants of semi-presidentialism, despite what Elgie and Moestrup characterise as the "consensus that young democracies should avoid this type of institutional arrangement as the in-built conflict between president and prime minister may damage the prospects for successful democratisation". [31] Such anomalies highlight once again Southeast Asia's divergence from the expectations of the political science literature.[32]

Similarly, pure PR elections are now uncommon in Asia, with most democracies using majoritarian models – either plurality (as in Myanmar, Singapore and Malaysia), mixed-member majoritarian (as in Thailand and the Philippines, along with Taiwan, Korea, Japan and most recently Mongolia) or alternative vote-style (PNG, Nauru, and formerly Fiji) models. Indonesia is the main exception, but even there reforms to create an 'open list' system and reduce 'district magnitude' – the number of members elected from each electoral district – have served to reduce proportionality. Today, provincial units delineated constituency boundaries, legislative elections are now conducted using much smaller constituencies, capped at a maximum of 10 members per district, and with many 3 and 4 seat districts. Combined with a 3.5% national threshold, this has raised the threshold for electoral victory considerably, making it much more difficult for smaller parties to win seats than at previous elections, when districts were based around entire provinces.[33]

The process has been underpinned by restrictions on the formation of ethnic parties. A common aim has been to strengthen ruling political parties and party systems, with institutionalised political parties seen as "a crucial pillar in the functioning and consolidation of emerging democracies", and the 'missing link' in the quest for democratic consolidation across the region.[34] Again, Indonesia has taken efforts to restrict separatism and reward nationally-focused parties the farthest.

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[31] Robert Elgie and Sophia Moestrup, 'The Choice of Semi-Presidentialism and its consequences' in *Semi-Presidentialism Outside Europe: A Comparative Study*, Elgie and Moestrup (eds), New York: Routledge 2007, p. 237.

[32] A subject I cover in more detail in my chapter 'Parties, Electoral Systems and Governance' in *Democracy in East Asia – A New Century*, Larry Diamond, Marc F. Plattner and Yun-han Chu (eds), Baltimore Maryland: Johns Hopkins University Press, 2013.

[33] See Benjamin Reilly, 'Electoral Systems' in *Routledge Handbook of Southeast Asian Democratization*, William Case (ed.), New York: Routledge, 2015.

[34] Erik Martinez Kuhonta and Allen Hicken, 'Shadows from the Past: Party System Institutionalization in Asia', *Comparative Political Studies*, Vol. 44, No. 5, 2011, p. 573.

Indonesian parties are required by law to establish an organisational network across the archipelago, no easy task in a nation of 17,000 islands. Parties who fail to do so cannot run in national or even local elections. By effectively banning local parties, this has created putatively national parties with a cross-regional organisational basis by fiat, as parties must satisfy these branch-structure requirements before they can compete in elections. As a result, the number of parties represented in both the legislature and in cabinet has declined over time. This has also resulted in a decline in the vote share for overtly Islamic parties, although three parties from Aceh are now permitted to compete after the split of the main Free Aceh Party. Only 12 parties passed the verification processes for the 2014 elections (down from 48 in 1999), of which ten are today represented in the 560-seat People's Representative Council (DPR); while three Achenese parties are allowed to compete in the autonomous region of Aceh only under the terms of the 2005 peace agreement.[35]

Southeast Asia's newest democracy, Myanmar, appears to have followed a similar approach following the landslide win of Aung San Suu Kyi's National League for Democracy in late 2015. Despite ethnic parties having been part of the fabric of Myanmar (formerly Burma) since independence, the NLD's landslide election sweep sidelined almost all parties representing ethnic minorities. The NLD also deliberately chose not to field Muslim candidates as part of the ongoing placation of Buddhist hardliners.[36] A subtext to the much broader ongoing attempts to render the Rohingya Muslims of western border regions essentially stateless, this deliberate ethnic exclusion has sullied the transition to democracy. Despite much fawning coverage in the Western media, Myanmar's new government is less a shining example of democracy than a form of joint administration between the military (which continues to hold a quarter of all seats in the legislature, and a number of important cabinet posts) and the NLD, which won over 80% of elected seats at the 2015 elections.

[35] An exception to this rule applies in Aceh, and was a key part of the 2005 peace agreement there. See Ben Hillman, 'The Policy-Making Dimension of Post-Conflict Governance: The Experience of Aceh, Indonesia', *Conflict, Security, and Development*, Vol. 11, No. 5, 2012, pp. 533–553.

[36] The assassination in February 2017 of U Ko Ni, a prominent Muslim intellectual and legal adviser for Aung San Suu Kyi's government, was another marker of the sharp downwards turn in the country's ethnic relations.

The shift to centripetalism

Today, political inclusion in Southeast Asia increasingly takes place through centripetal rather than consociational means: oversized but not grand coalition governments; aggregative rather than segmental political parties; ethnically-mixed federal or other sub-national jurisdictional units; and majoritarian, vote-pooling political institutions. This "Asian model" of political inclusion stands in contrast and in many ways in opposition to the classic consensual recommendations of parliamentary rule, proportional elections and parties based around distinctive social segments.

The trend towards oversized but not grant coalitions is particularly striking. Building on Riker, most political science models of coalition formation predict that governments will form around minimum-winning coalitions – that is, coalitions which include no more parties or factions necessary to maximise the spoils of office.[37] This emphasis on spoils is also prevalent in the ethnic conflict literature, which conceptualises ethnic groups as coalitions seeking to monopolise state rents for their own group. [38] There is thus a common theoretical baseline across both literatures assuming coalition formation is a rational exercise aimed at maximising the returns to those involved, whether we are talking about office-seeking candidates, parties, or ethnic groups. Especially in parliamentary systems "there is a powerful logic behind the formation of minimum winning coalitions".[39]

Compelling as it may be, this logic fails a basic empirical test in Pacific Asia. Oversized cabinets are by far the most common model of government formation in the region, and have been for years. Oversized coalition governments have been the rule in Malaysia, Thailand, Indonesia, East Timor, Papua New Guinea, and the Solomon Islands, and

[37] William H. Riker, *The Theory of Political Coalitions*, New Haven: Yale University Press, 1962.

[38] See Alvin Rabushka and Ken Shepsle, *Politics in Plural Societies: A Theory of Democratic Instability* Columbus, OH: Merrill, 1972; Daniel Posner, 'The Political Salience of Cultural Difference: Why Chewas and Tumbukas Are Allies in Zambia and Adversaries in Malawi', *The American Political Science Review*, Vol. 98, No. 4, 2004, pp. 529–545; idem, *Institutions and Ethnic Politics in Africa*, Cambridge: Cambridge University Press, 2005.

[39] C. Volden and C.J. Carrubba, 'The Formation of Oversized Coalitions in Parliamentary Democracies', *American Journal of Political Science*, Vol. 48, No. 3, 2004, p. 521.

have been common in Fiji and Vanuatu as well.[40] In Malaysia, a multiparty alliance representing the three main ethnic groups has been the foundation of all governments since 1955.[41] Oversized multiparty coalitions have also been common in other Southeast Asian countries. In Thailand, for example, all governments from the resumption of democracy in 1992 until the military coup of 2006 were composed of broad, oversized coalitions designed to ensure cross-regional representation and, more importantly, provide a buffer against possible defections. Thus, following his victory in the 2001 elections, then prime minister Thaksin Shinawatra sought out a range of additional coalition partners in order to insulate his government from defectors and limit the ability of factional players to undermine cabinet stability. Following his 2006 overthrow in a military coup, Thaksin's sister Yingluck maintained a similar approach to cabinet formation after Thailand's return to democracy in 2010, making a strong effort to reach out beyond her Pheu Thai party to find additional coalition partners before her government was overthrown in another military coup.

In Indonesia, similarly, all cabinets since the emergence of democracy in 1999 have been either oversized or grand coalitions. The current cabinet is a case in point: following the 2014 elections, President Widodo's PDI-P party had only 19% of seats in parliament, and even with a range of coalition partners such as the new Hanura party still had just less than majority support for his coalition, 48.5%. He could have easily recruited a smaller party to ensure a minimal winning cabinet. Instead, in typical Indonesian fashion, he turned to some of his former opponents in Golkar, the former governing party of Suharto, and the Islamist National Awakening Party (PAN), bringing them into his governing coalition and sacrificing some of his former supporters in the process. This gave him the support from almost 70% of the members of parliament – a highly oversized coalition that makes less sense in rational actor terms than it does when viewed as continuity with Indonesian governance practice.

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[40] See Reilly, *Democracy and Diversity...*, chapter 7.

[41] With no formal power sharing requirements, the *Barisan Nasional* relies on the willingness of its three main constituent ethnic parties – UMNO, the MCA and the MIC – to 'pool votes' across communal lines. The component parties typically divide up the electoral map so as to avoid competing with one another on a constituency level, and campaign under the *Barisan* label rather than as separate parties. See Donald L. Horowitz, *Ethnic Groups in Conflict*, rev. ed., Berkeley and Los Angeles: University of California Press, 2000.

Myanmar's new government has followed a similar approach. Despite winning an overwhelming electoral victory in November 2015, the new National League for Democracy government formed an oversized executive which included two members of the former ruling party, the Union Solidarity and Development Party (USDP), several independents, and an ethnic minority party, in cabinet.[42] Moreover, despite the long history and protected position of ethnic parties in Myanmar, minority representation today takes place predominantly *within* the ruling party than via ethnic parties, which collectively won only 9% of elected seats in the 2015 elections, with only two parties (the Arakan National Party and the Shan Nationalities League for Democracy) achieving any serious representation.

All of this suggests that rational actor models of coalition formation need to be reconsidered, particularly in ethnically-divided states. As a recent cross-national study of this phenomenon by Nils-Christian Bormann and Martin Steinwand observed,

> "Rational group leaders would prefer to build minimum winning coalitions to increase their own payoffs. However, in the context of civil war ethnic groups are frequently prone to fragmentation and division into competing factions … the uncertainty surrounding group coherence induces a risk-return trade-off for the formateur in coalition bargaining. Coalitions that are close to a minimum winning coalition maximise the payoff to coalition members, but potentially are unstable. In contrast, larger coalitions reduce the benefits from coalition membership but decrease the risk of a coalition failure due to group fragmentation".[43]

Bormann and Steinwand conclude that oversized and grand coalitions constitute a much greater share of all governments than predicted by established theories. In line with their theoretical model, ethnic leaders should attempt to build oversized coalitions and include other groups both

[42] Under Myanmar's constitution, three ministers – of Border Affairs, Defence and Home Affairs – are appointed by the National Defence and Security Council, while the military retains a quarter of seats in the national legislature.

[43] Nils-Christian Bormann and Martin Steinwand, *Power-Sharing Coalitions and Ethnic Civil War*, American Political Science Association annual meeting, 1–4 September 2016, Philadelphia, PA, p. 1.

as a signal of cooperation and as an insurance policy against future break-ups. This is precisely the kind of behaviour that we see in Pacific Asia. Indeed, far from being unusual, Bormann and Steinwand's findings suggest that ethnically divided states in Asia are similar to those elsewhere, prioritising oversized ethnic coalitions over minimal winning coalitions. In other words, it is the theory of minimal-winning coalitions being the rational option that is out of step with reality, in ethnically-diverse states at least.

Electoral and party systems

Centripetal political engineering is perhaps most evident in Asia's electoral institutions. Indonesia's two-stage, double-majority model of presidential elections, for instance, is designed to encourage cross-regional politics by requiring winning presidential candidates to gain not just a majority of the vote, but a spread of votes across different parts of the country. The underlying principle is to ensure that winning candidates receive a sufficiently broad spread of electoral support, rather than drawing their votes from one region only. Nigeria and Kenya both have similar provisions, but the Indonesian model is the only one that has clearly worked to elect moderate and centrist candidates. This may be because of another aspect of Indonesia's election law, which provides a two-stage nomination process in the Indonesian legislature. To ensure broad-based support only parties or coalitions controlling 20% of lower-house parliamentary seats or winning 25% of the popular vote in the preceding parliamentary elections are eligible to nominate a presidential candidate. That candidate must then gain both a nationwide majority and at least 20% of the vote in over half of Indonesia's 33 provinces to avoid a runoff.

Some scholars for the utility of such mechanisms in muting ethnic conflict and ensuring the election of broad, pan-ethnic presidents.[44] The Indonesian evidence favours this interpretation, with the two most recent presidents (Susilo Bambang Yudhoyono and Joko Widodo) each gaining the broad support required in the electoral law for their election victory, and defeating hard-line opponents – including former generals Wiranto and Probowo, each of whom might easily have won under a different electoral system. As centrist moderates, winning presidents Yudhoyono

[44] Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts*, Washington DC: United States Institute of Peace Press, 1996, p. 55.

(in 2009) and Widodo (in 2014) both easily amassed the necessary spread of votes across the archipelago in their first-round election victories that Indonesia's centripetal electoral laws require.

As Krzysztof Trzcinski observes, other aspects of the Indonesian system also exert centripetal pressures, including the provincial structure and growing propensity to split potentially separatist provinces such as Papua into new units to undercut potential ethnic identification and mobilisation. However, elements of consociationalism also continue in the special autonomy provisions for Aceh and Papua (although yet to be properly implemented in the latter). Specific concessions to group rights and local segmental parties that have been granted to Aceh included the sanctioning of Sharia Law, allowing proceeds obtained from the exploitation of natural resources to remain in-situ, and in particular permitting segmental ethnic parties such as the *Parti Aceh* to compete, and win, in local elections – a key to the successful 2005 peace agreement there.[45]

Other centripetal innovations include Singapore's Group Representation Constituency (GRC) system, introduced in 1988 with the ostensible aim of promoting greater diversity of representation, although with comparatively weak cross-ethnic incentives. Electors cast a vote for predetermined party lists rather than for candidates, with the party winning a simple plurality of votes in a district winning *every* seat (making it one of the most 'mega-majoritarian' national electoral systems anywhere in the world. Parties and alliances must include one or two candidates from designated ethnic minorities on their ticket – an arrangement which necessitates a degree of cross-ethnic voting. These majority-enhancing rules favoured the opposition Workers Party at the 2011 general elections, enabling them to take all six seats in a GRC and become Singapore's first meaningful parliamentary opposition for many years, a feat they repeated in 2016. In the process, GCR's have ensured the representation of minority Indian and Malay representatives on both the government and opposition benches.

Another example of weak centripetalism is the Philippines' party list system for 20% of the House of Representatives, introduced in the 1987

[45] Krzysztof Trzcinski, 'The Consociational Addition to Indonesia's Centripetalism as a Tactic of the Central Authorities: The Case of Papua', *Hemispheres: Studies on Cultures and Societies*, Vol. 4, No. 31, 2016, pp. 5–20.

Constitution as a way of increasing minority and sectoral representation in Congress. Voters have a separate vote for the party-list on their ballot paper, and any party, group or coalition receiving at least 2% of the votes wins a seat, up to a maximum of three seats in total. Originally only 'marginalised groups' such as youth, labour, the urban poor, farmers, fishermen and women could compete for seats, with each group limited to a maximum of three seats. Because anyone can vote for any party list, the party list seats inevitably facilitate some degree of cross-voting between minorities and majorities, at least in theory. In reality, however, almost any party can stand candidates, and it is common practice for politicians to use the party list to enter Congress when their relatives have already filled up the district seats. Despite being called a "party list", the system does not allocate seats proportionately, but rather just takes the highest vote-gaining groups and applies a three-seat cap to all of them. As a result, some groups with very low popularity can also end up winning some of the remaining seats once the more popular parties have reached their limit. As a result, the current model of electing party list representatives has encouraged a proliferation of organisations representing underprivileged groups – and arguably undermined the push for more coherent party politics.

By contrast, the use of the limited preferential vote (LPV) in Papua New Guinea provides a stronger model of centripetal incentives in a highly fragmented tribal society. This system enables voters to express up to three preferences between candidates, rather than a single ordinal choice. A similar system encouraged cooperative campaigning behaviour in many electoral contests in the country's pre-independence period, as the threshold for victory was not a plurality but an absolute majority of the vote.[46] These more accommodative campaign patterns were repeated in the recent 2007 and 2012 elections, although there are questions about the extent to which they have become institutionalised in what appears to be a failing democracy.[47] One PNG analyst, John Domyal, wrote recently about how the LPV system has impacted on the 2012 election in several ways compared to earlier elections held under first-past-the-post (FPTP), with benefits for greater inter-tribal cooperation and improved security,

[46] Reilly, *Democracy in Divided Societies...*, chapter 4.
[47] R.J. May, R. Anere, N. Haley and K. Wheen, *Election 2007: the Shift to Limited Preferential Voting in Papua New Guinea*, Port Moresby: National Research Institute, 2011.

but no change to other problems such as money politics and gender equity which continue to afflict PNG elections.[48]

A potential new test case for centripetal elections and ethnic conflict is the autonomous island province of Bougainville, which will hold an independence referendum in 2019. One of the most successful but little known cases of peacemaking in world, the Bougainville Peace Agreement, signed in August 2001, ended a bloody war that killed thousands though the 1990s. The agreement provided for elections to establish the Autonomous Region of Bougainville, which was formed after the first elections in 2005. The agreement includes a number of centripetal reforms such as cross-voting reserved seats for women, youth and ex-combatants as well as majority-preferential parliamentary and presidential elections.

The success of peace making in Bougainville to date provides some support to claims that cross-voting schemes can indeed temper the "interests and passions" of different social groups to "induce a tendency to encourage the common interest" in representative bodies, as was argued in 18th century constitutional debates in France and the United States. [49] Bougainville's election results have demonstrated this centripetal spin, with relative moderates like John Momis triumphing in presidential elections over more separatist candidates such as James Tanis. However, other Pacific experiments have been less successful. Fiji's brief and unhappy experience with a modified ticket vote form of the alternative vote evidenced little in the way of cross-ethnic vote transfers or moderation in what is a bi-polar, not fragmented, society.[50]

Conclusion

As schemes to share power measures are often adopted to deal with deep social and political conflicts, it is perhaps unsurprising that many fail: power-sharing tends to be adopted in precisely those cases where

[48] See http://devpolicy.org/did-changing-electoral-systems-change-election-results-png-20170502/ (accessed: 02.05.2017).

[49] Jon Elster, *Securities Against Misrule: Juries, Assemblies, Elections*, New York: Cambridge University Press, 2013.

[50] Jon Fraenkel, 'The Alternative Vote System in Fiji: Electoral Engineering or Ballot-Rigging?', *Commonwealth and Comparative Politics*, Vol. 39, No. 1, 2001, pp. 1–31; Jon Fraenkel and Bernard Grofman, 'Does the Alternative Vote Foster Moderation in Ethnically Divided Societies? The Case of Fiji', *Comparative Political Studies*, Vol. 39, No. 5, 2006, pp. 623–651; cf. Donald L. Horowitz, 'Strategy takes a holiday: Fraenkel and Grofman on the alternative vote', *Comparative Political Studies*, Vol. 39, No. 5, 2006, pp. 652–662.

political stability is lacking. Actual examples of the most comprehensive forms of power-sharing in the region, such as the use of grand coalition governments in Indonesia, co-prime ministerial arrangements in Cambodia, or mandatory cabinet positions in Fiji, have often been highly unstable in terms of the duration of executive governments. This is in line with Bormann and Steinwand's conclusion that "oversized and grand coalitions are the most likely type of government in ethnically divided societies but they are very vulnerable early on in their tenure".[51]

By contrast, less formal and more liberal versions, based around voluntary oversized coalitions, have a better track record in Asia's divided democracies. This is increasingly underpinned by centripetal majoritarianism, rather than consensual or consociational approaches, in the region's most ethnically-diverse democracies. This regional preference is manifested in a variety of ways, including a broader regional preference for presidential or semi-presidential systems of government; unitary states or non-ethnic forms of devolution and federalism; catch-all or multiethnic political parties; and mixed-member or cross-voting majoritarian electoral systems. This unusual package of institutional design is particularly prevalent in the region's most ethnically-diverse states, highlighting the regional preference for centripetalism over consociationalism, and the broader distinction between Asian and European practice.

[51] Bormann and Steinwand, *Power-Sharing Coalitions and Ethnic Civil War…*, p. 1.

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The Centripetal Spatial Vote Distribution Requirement in Presidential Elections: The Cases of Nigeria and Indonesia[1]

Abstract

The principal aim of this article is to explain the specificity of the requirement for a spatial distribution of votes in presidential elections – an institution that has existed in Nigeria since 1979 and in Indonesia since 2001. It also seeks to describe the political conditions which contributed to that institution's introduction and functioning in those two countries. The article will end with a comparison between the two cases, including a discussion of the present differences between them. The article will also contain a preliminary appraisal of whether the existence of the requirement in question is helping to reduce the level of conflictive behaviour in relations between ethnic groups in the multi-ethnic societies of Nigeria and Indonesia.

Key words: spatial vote distribution requirement, presidential elections, Nigeria, Indonesia, power-sharing, centripetalism, centripetal

1. Introduction

In the Nigerian and Indonesian political systems, often referred to as centripetal systems,[2] the candidate for the presidential office who has obtained the greatest number of votes must satisfy a constitutionally mandated spatial distribution of those votes, i.e., to secure a minimal

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[2] For more on this subject, see Krzysztof Trzciński, 'Centrypetalizm – integrujący system polityczny dla państw wieloetnicznych. Zarys teorii empirycznej' ['Centripetalism – An Integrative Political System for Multiethnic Countries: An Outline of the Empirical Theory'], *Studia Polityczne* [Political Studies], Vol. 39, No. 3, 2015, pp. 183–213.

measure of support, defined in percentage terms, in a significant number of basic units of territorial division: a minimum of 25% of votes cast in at least 2/3 of all states (in the case of Nigeria) or at least 20% of votes in half of all provinces (in the case of Indonesia). In addition to those two countries, the institution of centripetalism exists only in Kenya.[3] This requirement is intended to make electoral victory easier to attain for those candidates whose views and political acts (especially in questions that are sensitive for individual ethnic groups), are of a moderate character and which serve in multi-segmental (especially multi-ethnic) societies to build and maintain good relations between ethnic segments. As has been noted by Donald L. Horowitz, the leading scholar and expert on political problems of multi-segmental societies,[4] the requirement of attaining a spatial distribution of votes in presidential elections is an example of an arrangement helping segments represented by politicians to exhibit non-conflicting or less-conflicting behaviour with regard to one another.

The requirement of attaining a spatial distribution of votes in presidential elections is recognized as an institution of the power-sharing type and, more specifically, of its centripetal model (also called "integrative power-sharing"). Two models of inter-segmental (especially inter-ethnic) power-sharing are distinguished and opposed to each other in the abundant literature on the subject: consociationalism and centripetalism.[5] Thus far, centripetalism has been fully implemented only in Nigeria and Indonesia. Centripetalism presupposes the possibility of political integration of the groups' elites above segmental (especially ethnic) divisions, thus weakening the importance of the latter. Centripetalism by definition

[3] The present article is based on an earlier one published in Polish (Krzysztof Trzciński, 'Wymóg uzyskania terytorialnego rozłożenia głosów (poparcia) w wyborach prezydenckich' ['Spatial Vote Distribution Requirement in Presidential Elections'], *Athenaeum*, Vol. 49, 2016, pp. 113–137), which contains, among other things, a discussion of the case of Kenya, but which does not examine the requirement in question in the context of centripetalism and power-sharing.

[4] D.L. Horowitz, *Ethnic Groups in Conflict*, Berkeley: University of California Press, 1985, p. 647.

[5] T.D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts*, Washington DC: United States Institute of Peace, 1996; D.L. Horowitz, 'Ethnic Power Sharing: Three Big Problems', *Journal of Democracy*, Vol. 25, No. 2, pp. 5–20; S. Wolff, 'Consociationalism, Power Sharing, and Politics at the Center' in *The International Studies Encyclopedia*, Vol. 2, R.A. Denemark (ed.), Oxford: Wiley-Blackwell, 2010, pp. 535–556; B. Reilly, *Democracy and Diversity: Political Engineering in the Asia-Pacific*, Oxford: Oxford University Press, 2007; M. Basedau, 'Managing Ethnic Conflict: The Menu of Institutional Engineering', GIGA Working Papers, Issue 171, 2011, pp. 1–29.

promotes ethnically neutral legal practices concerning the status of individuals and groups in multi-segmental conditions – something that is supposed to strengthen the process of integration, the reaching of which is the purpose of centripetal institutions. Empirical centripetalism (Nigerian and Indonesian) is made up of the following institutional arrangements:[6] a territorial structure within the framework of which large ethnic groups are "broken down" so their members live in distinct, preferably multi-ethnic territorial and administrative units – something that is supposed make the elites of one and the same large group representing various regions compete with each other, for example for funds from the central budget; supra-regional and inter-ethnic political parties required to form ethnically heterogeneous lists of candidates in different elections; and the constitutional requirement for candidates in presidential elections to obtain a spatial distribution of votes, the fulfillment of which is necessary to assume the office of president.[7]

The principal aim of this article is to explain the specificity of the requirement for a spatial distribution of votes in presidential elections – an institution that has existed in Nigeria since 1979 and in Indonesia since 2001. It also seeks to describe the political conditions which contributed to that institution's introduction and functioning in those two countries. The article will end with a comparison between the two cases, including a discussion of the present differences between them. The article will also contain a preliminary appraisal of whether the existence of the

[6] Reilly, *Democracy and Diversity…*, pp. 83–91; B. Reilly, 'Centripetalism' in *Routledge Handbook of Ethnic Conflict*, K. Cordell and S. Wolff (eds), London: Routledge, 2011, pp. 291–295; B. Reilly, 'Centripetalism: Cooperation, Accommodation, and Integration' in *Conflict Management in Divided Societies: Theories and Practice*, S. Wolff and Ch. Yakinthou (eds), New York: Routledge, 2011, pp. 57–64.

[7] The fourth element of centripetalism is mentioned in the literature – the use of so-called preferential voting, in the form of either a single transferable vote or an alternative vote, in parliamentary elections (especially to the lower chamber). Such voting, through the ranking of candidates, makes it possible for voters to indicate preferences among candidates of different parties. In the case of centripetalism, the aim of such voting would be to reduce chances of the election to parliament of politicians showing little restraint in their political views and actions, particularly with regard to inter-segmental relations. Preferential voting systems functioned for a time in Sri Lanka, Fiji and in Papua New Guinea, among other places. See Reilly, *Democracy and Diversity…*, pp. 115–118; A. McCulloch, 'Does Moderation Pay? Centripetalism in Deeply Divided Societies', *Ethnopolitics*, Vol. 12, No. 2, 2013, pp. 111–132; A. McCulloch, 'The Track Record of Centripetalism in Deeply Divided Places' in *Power-Sharing in Deeply Divided Places*, J. McEvoy and B. O'Leary (eds), Philadelphia: University of Pennsylvania Press, 2013, pp. 94–111.

requirement in question is helping to reduce the level of conflictive behaviour in relations between ethnic groups in the multi-ethnic societies of Nigeria and Indonesia.

2. The context of the introduction of the requirement for a spatial distribution of votes in the presidential elections in Nigeria and Indonesia

Before explaining what the institution of the requirement for a spatial distribution of votes in presidential elections consists of, the specific political conditions in Nigeria and Indonesia that have contributed to that institution's introduction and functioning must be identified.

2.1. Nigeria and its political situation

Nigeria is the most important state on the African continent, given the size of its economy,[8] and also the most populous. Its population reached about 192 million in 2017, according to estimates, and this makes it the world's seventh most populous state.[9] Nigeria is also a vast country with an area of nearly 924,000 km^2. It is inhabited by members of about 250[10] ethnic groups,[11] the largest of which are the Hausa-Fulani (about 29% of Nigeria's population), the Yoruba (about 21%), Igbo (about 18%) and the Ijaw (about 10%).[12] As many as 522 languages are spoken in Nigeria,[13]

[8] According to the estimates of the International Monetary Fund (IMF), Nigeria's nominal GDP in 2016 amounted to about 405 billion USD, which made this country the world's 27th largest economy and the largest in Africa. See International Monetary Fund, World Economic Outlook Database, Washington DC, October 2017: http://www.imf.org/external/pubs/ft/weo/2017/02/weodata/weorept.aspx (accessed 29.11.2017).

[9] Worldometers, Population in 2017: Nigeria: http://www.worldometers.info/world-population/nigeria-population (accessed 14.11.2017).

[10] Encyclopedia of the Nations, Nigeria: http://www.nationsencyclopedia.com/economies/Africa/Nigeria.html (accessed 10.10.2017).

[11] The term "ethnic group" is understood by the author as a group of people who see themselves as a distinct cultural community; who often share a common language, religion, kinship, and/or physical characteristics (such as skin color); and who tend to harbor negative and hostile feelings toward members of other ethnic groups, as defined in A. Lijphart, 'Multiethnic Democracy' in *The Encyclopedia of Democracy*, Vol. 3, S.M. Lipset (ed.), London: Routledge, 1995, p. 853.

[12] Index Mundi, Nigeria Demographics Profile 2017: https://www.indexmundi.com/nigeria/demographics_profile.html (accessed 29.11.2017).

[13] Ethnologue: Languages of the World, Nigeria: http://www.ethnologue.com/country/NG (accessed 10.10.2017).

although the sole official language is English. It is estimated that about 50% of Nigeria's inhabitants are Muslims, who live mainly in the north of the country, while Christians make up 40% of the population and live mostly in the south of the country.[14] About 10% of Nigerians follow indigenous beliefs.[15]

After gaining independence in 1960, Nigeria functioned as a federation of three regions: The North (dominated by the mostly Muslim Hausa-Fulani), the West (dominated by the mostly Christian Yoruba) and the East (dominated by the mostly Christian Igbo). Even though in each region one ethnic group was predominant, all were inhabited by many smaller groups. The three largest groups had their own ethnic parties, which competed aggressively with each other at the central government level. As a result, the newly established Nigerian state with a multi-ethnic and multi-religious society became subject to serious tensions almost from the outset. At the root of such tensions also lay clear cultural differences, especially those setting apart Muslims and Christians; the question of the division of budget revenues, which in large measure originated from the exploitation of oil fields of the Niger Delta; and problems related to the different political traditions of the main ethnic groups and the difficulty of reconciling them for the purpose of running an independent state.

Tensions erupted in the second half of the 1960s, when the army began to play a decisive role in Nigerian politics. In January 1966, during an unsuccessful military coup conducted mainly by the Igbo, a considerable proportion of Nigeria's leading politicians, public functionaries, and high-ranking officers from the Hausa-Fulani and Yoruba ethnic groups were killed. As a result of the complicated political situation that followed the attempted coup and the ensuing persecutions of the Igbo, especially by the Hausa-Fulani, in 1967 the Igbo proclaimed the secession of the oil rich Eastern Region and the establishment on its territory of the independent Republic of Biafra,[16] which was then attacked by the federal forces of Nigeria, now ruled by a military junta (established as a result of a coup in July 1966).

[14] Index Mundi, Nigeria Demographics Profile…

[15] Ibidem.

[16] The Biafra Republic, with its capital in Enugu, was recognized by only 5 states and existed formally until 1970.

From 1967 to 1970 the country was embroiled in a civil war, the so-called Biafra War,[17] which, according to most sources, cost the lives of over one million people. The Christian Igbo were opposed by the mostly Muslim Hausa-Fulani and the mostly Christian Yoruba. The Biafra War had the characteristics of an ethnic conflict.[18] After the end of the war, which the federal side won, the political situation in Nigeria gradually stabilized, something that certain experts saw as being due mainly to the introduction in that country of the institutions of a centripetal political system.[19]

The emergence of centripetalism in Nigeria did not prevent the breakout of all conflicts. These were, however, of a lesser scale than the Biafra War and were not strictly ethnic in character. The most serious present conflict in Nigeria is the ongoing revolt of the extremist Muslim organization Boko Haram (Jama'atu Ahlis Sunna Lidda'awati wal-Jihad), which is directed against the Nigerian authorities, against Christians, and against those Muslims who tolerate Western influences above all in education, science, administration and the political system. Another important conflict, one whose intensity has decreased recently, has been going on since the 1990s in the Niger River delta: The members of mostly two ethnic groups inhabiting this area, the Ijaw and the Ogoni, organized in a number of armed organizations, are opposed to, in the words of their leaders, economic exploitation by the central government. This conflict, however, has its own specific character because the direct targets of the attacks by the Niger River delta rebels are not so much the forces of the Nigerian state, but the workers and the installations of Western companies extracting oil and gas in the Niger River delta. Still, by targeting the petroleum industry, the rebels are reducing Nigeria's budget revenues, 80% of which, according to the Nigerian political scientist Rotimi T.

[17] See, for example, R. Luckham, *The Nigerian Military: A Sociological Analysis of Authority and Revolt 1960–67*, Cambridge: Cambridge University Press, 1971, pp. 298–340.

[18] The notion of "ethnic conflict" (also "interethnic conflict") is understood by the author as defined by Errol A. Henderson, as a dispute between rival groups, which identify themselves mainly in terms of ethnic criteria (i.e., connected with such common traits as ethnicity/nationality, language, religion and race), and which raise group claims to resources on the basis of their group rights. See E.A. Henderson, 'Ethnic Conflict and Cooperation' in *Encyclopedia of Violence, Peace, and Conflict*, Vol. 1, L. Kurtz (ed.), San Diego: Academic Press, 1999, p. 751.

[19] See, for example, Horowitz, *Ethnic Groups in Conflict…*, pp. 612–613.

Suberu,[20] derive from various taxes and levies paid by entities exploiting the resources of the Niger River delta. At least 13% of those revenues should be returned to several southern states where such resources are extracted. Considering the very high degree of corruption in Nigeria, however, the transfer of those funds to the authorities of the Niger River delta states does not necessarily mean they are spent rationally for the benefit of the local population.

2.2. Indonesia and its political situation

Indonesia, independent since 1945, is the world's fourth most populous country, with a population of about 265 million inhabitants in 2017.[21] The Indonesian economy is one of the world's largest.[22] Indonesia occupies an area of almost 2 million km^2, and its territory on the equatorial axis extends over 5,000 km. The country is made up of about 17,000 islands, over 6,000 of which are inhabited. Unique cultures have emerged on many Indonesian islands. Indonesian society is very divided ethnically and, to a lesser degree, also religiously. According to data from 2010, the largest ethnic group in Indonesia are the Javanese (a little over 40% of the entire population), followed by the Sundanese (approx. 15.5%), the Malay (approx. 3.7%), the Batak (approx. 3.6%) and the Madurese (approx. 3%).[23] The share of any of the several hundred other native ethnic groups in Indonesia's population is under 3%. Among the immigrant population, the most numerous are the Chinese (approx. 1.2%). According to data from 2010, the vast majority of Indonesians, approx. 87%, are Muslim

[20] R.T. Suberu, 'Federalism and the Management of Ethnic Conflict: The Nigerian Experience' in *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective*, D. Turton (ed.), Oxford: James Currey, 2006, pp. 75–76.

[21] Worldometers, Population in 2017, Indonesia: http://www.worldometers.info/world-population/indonesia-population/ (accessed 10.10.2017).

[22] Indonesia's nominal GDP in 2016 was approx. $932 billion, making the country the 5th largest economy in Asia and the 16th in the world. See International Monetary Fund, World Economic Outlook Database, Washington DC, October 2017: http://www.imf.org/external/pubs/ft/weo/2017/02/weodata/weorept.aspx (accessed 29.11.2017).

[23] A. Ananta, E. N. Arifin, M. S. Hasbullah, N. B. Handayani, and A. Pramono, Changing Ethnic Composition: Indonesia, 2000–2010, 2013: http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.693.2147&rep=rep1&type=pdf (accessed 11.10.2017).

(overwhelmingly Sunni); the number of Christians (Protestants and Catholics) is just under 10%; and Hindus represent approx. 1.7%.[24]

The introduction during the democratization wave in 1998–2002 of institutions which are typical of inter-segmental power-sharing systems was determined by at least two basic factors. Firstly, the smaller ethnic groups feared that the Javanese's politically and economically superior position would be used against their interests in the state. As is shown by Donald L. Horowitz,[25] certain electoral systems could give the inhabitants of Java or the ethnic Javanese, a sufficient number of votes to enable them to single-handedly elect the president of Indonesia. Smaller ethnic groups' fear of the Javanese's dominance was made the greater by the latter's preponderant influence in Indonesia's political life during the authoritarian period,[26] and by the fact that many Javanese migrate from the overpopulated island of Java to other islands. Christians, especially those who live in the Maluku Islands, in certain areas of Sulawesi and also in the Indonesian part of New Guinea, are especially fearful of dominance by the Javanese, most of whom are Muslim. The majority of Indonesia's Christians belong to small ethnic groups.

Secondly, when the democratic changes began in 1998, [27] part of Indonesia's political elite, especially Javanese, feared the country's territorial disintegration and, more specifically, the secession of certain of its regions, as exemplified by East Timor's official independence in 2002. Separatist tendencies in independent Indonesia were at one time very vivid and, to a lesser degree, continue to exist in the northern portions of Sumatra, in the province of Aceh (despite the signing in 2005 of a peace agreement between local separatists and the Indonesian authorities), which abounds in deposits of oil and natural gas, and in the Indonesian portion of New Guinea, in the provinces of Papua and West Papua, which have various natural resources such as gold, copper, silver, natural gas

[24] Index Mundi, Indonesia Demographics Profile 2017: https://www.indexmundi.com/indonesia/demographics_profile.html (accessed 12.10.2017).

[25] D.L. Horowitz, *Constitutional Change and Democracy in Indonesia*, New York: Cambridge University Press, 2013, p. 58.

[26] Horowitz (ibid., p. 59) notes that during the presidency of Suharto (who governed uninterruptedly from 1967 to 1998), the Javanese not only enjoyed key influence on the central government, but through the intermediary of retired Indonesian army officers, made up "the core of political control" beyond Java, on the so-called external Indonesian islands.

[27] The changes began with the resignation of president Suharto following a wave of popular protests in 1998, and with the first multi-party elections in 1999.

and wood.[28] Both provinces and Aceh were given a special autonomous status[29] that was fully implemented only in Aceh.[30]
In addition, separatist currents were quite strong until recently in multi-ethnic Maluku, in the eastern part of the Malay Archipelago, in the present provinces of Maluku and North Maluku, where some ethnic groups are Muslim and some Christian. On several occasions, Maluku was the scene of bloody conflicts between followers of the two religions who were, at the same time, members of various ethnic groups. Aspirations to gain broad autonomy also emerged in the east-central part of Sumatra (in the regions of Riau, presently divided into two provinces – Riau and the Riau Archipelago), which has various natural resources and is inhabited in large measure by Malays, Bataks and Chinese; on the Minahasa Peninsula in north-eastern Sulawesi in the multi-ethnic province of North Sulawesi, whose population is in large measure Christian; and on the oil-rich island of Borneo, in the province of East Kalimantan, to which Indonesians of different ethnic backgrounds migrate. The provinces of Central Kalimantan (once part of East Kalimantan province) and West Kalimantan are periodically the scene of conflicts between the native Dayaks and Malay, and migrants from the island of Madura, the Madurese.
As the above summary indicates, conditions in Indonesia make it possible for separatisms and for ethnic and communal conflicts to arise. The largest of them (in the Indonesian part of New Guinea and in Aceh) took place prior to the introduction of power-sharing. Conflicts of lesser intensity also took place at the beginning of the 21st century. At present, the intensity of separatist currents in Indonesia is low and ethnic and communal conflicts occur rarely.

[28] The Indonesian, western portion of New Guinea, where the provinces of Papua and West Papua are located, used to be called Irian Barat (West Irian), Irian Jaya, and subsequently Papua.
[29] For more on separatisms and autonomy in Aceh and Indonesian Papua, see R. McGibbon, *Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?*, Washington DC: East-West Center, 2004.
[30] Krzysztof Trzciński, 'The Consociational Addition to Indonesia's Centripetalism as a Tactic of the Central Authorities: The Case of Papua', *Hemispheres*, Vol. 31, No. 4, 2016, pp. 5–20:
http://www.iksiopan.pl/images/czasopisma/hemispheres/HEMISPHERES_31-4_2016.pdf (accessed 18.10.2017).

3. The nature of the institution of the requirement for a spatial distribution of votes in presidential elections in Nigeria and Indonesia

This part of the paper will concentrate on explaining the substance of the requirement for a spatial distribution of votes in presidential elections in Nigeria and Indonesia. In the case of Nigeria, differences between the country's present constitution and the previous one will be discussed as they pertain to the requirement in question.

3.1. Present Nigerian constitutional provisions

In keeping with the Constitution of the so-called Fourth Republic from May 29, 1999,[31] in the Federal Republic of Nigeria, the president is both head of state and head of the government (art. 130 (2)). He is chosen in universal elections for a four-year term (art. 135 (2)). The same person cannot hold the office of president for more than two terms (art. 137 (1) (b)). A citizen of Nigeria can run for the office of president only if he is a member of one of the political parties active in the country, and if this party finances his candidacy (art. 131 (c)).

The requirement for a spatial distribution of votes in presidential elections in Nigeria refers to states as the country's basic units of territorial division (the Nigerian federation is presently made up of 36 states) and to the Federal Capital Territory (FCT), Abuja (art. 3 (1) and (4)), which is governed directly by the federal government.

In keeping with the constitution of 1999, the requirement in question in the first round of presidential elections in Nigeria is applicable to three cases, which can arise in connection with different numbers of candidates for the office of president. Firstly, in the highly improbable case of there being only one candidate in the presidential election, to be duly elected he will have to win more positive (YES) votes than negative (NO) ones, and not less than 25% of positive votes cast in each of at least 2/3 of all federal states (counting the FCT) (art. 133 (a) and (b)). Secondly, in the case of there being two candidates in the presidential election, the winner will be the one who gains more than half of all votes, and no less than 25% of votes cast in each of at least 2/3 of all states of the federation (counting the FCT) (art. 134 (1) (a) and (b)). Thirdly, in the situation that is most probable and most typical for Nigeria, when more than two candidates take part in presidential elections, the office of president will

[31] The Constitution of the Federal Republic of Nigeria of 29 May 1999: http://www.wipo.int/wipolex/en/text.jsp?file_id=179202 (accessed 18.10.2017).

fall to the one who obtains the greatest number of votes and no less than 25% of votes cast in at least 2/3 of all states of the federation (counting the FCT) (art. 134 (2) (a) and (b)).

If no candidate manages to meet the requirements necessary to win the office of head of state, within 7 days from the announcement of the results of the election the Independent National Electoral Commission has to set the date for a second round (art. 134 (4)).

The second round is open to two candidates from the first round: the one who won the greatest number of votes cast in the entire country and one of the remaining candidates (art. 134 (3) (a) and (b)). In keeping with the constitution, the second is not the candidate who won the second largest number of votes in the entire country, but the one who won the greatest number of votes in the largest number of Nigerian states (art. 134 (3) (b)). This provision potentially strengthens the importance of the requirement for a spatial distribution of votes in presidential elections. Nonetheless, to continue with the subject of the candidate entitled to move on to the second round of elections as the second candidate, the Nigerian constitution also provides for a situation in which two candidates obtain a high number of votes in an identical number of states. In such a case, it entitles the one who has won the largest number of votes in the entire country to take part in the second round (art. 134 (3) (b)).

The second round of presidential elections in Nigeria can, but does not necessarily, lead to the election of the head of state. In keeping with the Constitution, for one of the candidates running in the second round to win the office of president, in addition to wining a simple majority of votes, he must win no less than 25% of votes cast in each of at least 2/3 of all states of the federation (with the FCT) (art. 134 (4) (a) and (b)). As a result, when the candidate who has won a simple majority of votes does not meet the requirement for a spatial distribution of votes, within 7 days from the announcement of the results of the second round the Independent National Electoral Commission has to set the date for a third round.

Both candidates taking part in the second round of the presidential elections in Nigeria also take part in the third round. The office of president will go to the one who wins a simple majority of votes cast (art. 134 (5)). The Constitution of Nigeria waives the requirement for a spatial distribution of votes only in the third round of presidential elections.

3.2. Earlier Nigerian constitutional provisions

In their majority, the provisions concerning the requirement for a spatial distribution of votes in presidential elections contained in the Nigerian Constitution of the so-called Fourth Republic from 1999 are identical to the provisions contained in the Constitution of the so-called Second Republic from 1979,[32] in which the said requirement was used for the first time.[33]

There is, however, a fundamental difference in the mode of procedure in cases when choosing the head of state proves impossible in either the first or second round of a general election. The 1999 Constitution prescribes in such a situation that a third round of general presidential elections be called, in which a spatial distribution of votes will not be required of the candidate who obtains a greater number of votes (art. 134 (5)). In contrast, the 1979 Constitution did not provide for a third round of general elections in this situation.

In keeping with its provisions, (art. 126 (4)), if the candidate who wins a simple majority of votes in the second round does not obtain the required spatial distribution of votes, the Independent National Electoral Commission will have to, within 7 days following the announcement of the results of the second round of presidential elections, set a date for the election of the president from among the two candidates, who competed with one another in the second round. But, in such a case, the election of the president is to be conducted by the members of both chambers of the federal House of the National Assembly and the parliament of each Nigerian state (House of Assembly of a State).[34] The candidate who obtains a simple majority of votes cast jointly in all legislative bodies will win the office of president. These provisions have never been tested in practice, however.

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[32] The Constitution of the Federal Republic of Nigeria of 1 October 1979 (enacted on 21 September 1978): http://www.constitutionnet.org/files/nig_const_79.pdf (accessed 18.10.2017).

[33] R. Benjamin, 'Introduction' in *Political Parties in Conflict-Prone Societies: Regulation, Engineering, and Democratic Development*, R. Benjamin and P. Nordlund (eds), Tokyo-New York-Paris: United Nations University Press, 2008, p. 14. The so-called Second Republic of Nigeria fell with the military coup of 1983. Later attempts to establish the so-called Third Republic in 1993 ended in failure. The Constitution of the Third Republic from 1993 never fully came into force, and the military stayed in power in Nigeria from 1983 to 1999.

[34] For more on this subject, see the Constitution of the Federal Republic of Nigeria of 1 October 1979…, art. 84–121.

3.3. Indonesian constitutional provisions

The Constitution of the Republic of Indonesia from 1945,[35] following the introduction of the Third amendment of November 9, 2001 and the Fourth amendment of August 11, 2002,[36] states that the president, elected in a general election (art. 6A (1)) for a five-year term (art. 7), is head of state and, at the same time, the head of the Indonesian government (art. 4 (1) and art. 5). The same person can not occupy the office of president more than twice (art. 7). A candidate for president can be put forward by a political party or a coalition of political parties (art. 6A (2)).

In order to be the winner in the first round of Indonesia's presidential elections a candidate must obtain not only over 50% of the votes cast in the entire country but, at the same time, at least 20% of votes cast in more than half of all the country's provinces (art. 6A (3)).[37] Should none of the candidates manage to obtain such support, the two candidates who have won the greatest number of votes cast in the first round will pass on to the second round. The one of the two candidates who wins the greater number of votes in the second round will become head of state (art. 6A (4)).

4. Final remarks

In this part of the article paper I will discuss the present differences between the constitutional provisions in Nigeria and Indonesia as they relate to the requirement for a spatial distribution of votes cast in

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[35] The Constitution of the Republic of Indonesia from 18 August 1945 (with later amendments):
http://www.wipo.int/edocs/lexdocs/laws/en/id/id061en.pdf (accessed 20.10.2017).

[36] For more on the subject of these and other amendments to the Constitution of the Republic of Indonesia from 18 August 1945, see E. Schneier, *The Role of Constitution-Building Processes in Democratization: Case Study – Indonesia: The Constitution-Building Process in Post-Suharto Indonesia*, Stockholm: International Institute for Democracy and Electoral Assistance, 2005:
http://www.idea.int/cbp/upload/CBP_indonesia.pdf (accessed 22.10.2017); A. Ellis, *Constitutional Reform in Indonesia: A Retrospective*, March 2005:
http://www.constitutionnet.org/files/AEpaperCBPIndonesia.pdf (accessed 22.10.2017).
Horowitz provides a synthesis of the events leading to the introduction of the requirement in question in Indonesia's presidential elections in *Constitutional Change and Democracy…*, pp. 108–122.

[37] Discussions in Indonesia about the creation of additional provinces have been under way for several years, however. See, for example, S.R. Max, 'How many provinces does Indonesia need?', *The Jakarta Post*, April 20, 2012:
http://www.thejakartapost.com/news/2012/04/20/how-many-provinces-does-indonesia-need.html (accessed 24.10.2017).

presidential elections. I will then attempt to address the question of whether the institution of the requirement in question has the effect of reducing the importance of conflictive behavior in relations between ethnic groups, i.e., whether it meets the goal for which it was established.

4.1. Differences in the essence of the requirement in question in constitutional orders of Nigeria and Indonesia

The provisions of the constitutions of Nigeria and Indonesia concerning the requirement for a spatial distribution of votes in presidential elections are in certain aspects different. Firstly, in the case of Indonesia the principles constituting the requirement in question are less complicated than in Nigeria, where three rounds of elections are theoretically possible, with the requirement in question being a part of the two first ones. In Indonesia, two rounds of elections can take place, but this requirement must be met only in the first round.

Secondly, Nigeria and Indonesia have adopted somewhat different principles concerning levels of support – defined in percentage terms – which the victorious candidate needs to obtain in the country's basic territorial division units (states or provinces) and their number. And so, in the case of Nigeria this level is a minimum of 25% of votes cast in each of at least 2/3 of all states of the federation (there were 36 states in 2017), with the FCT. These provisions are applicable in Nigeria to the first and, should the need arise, to the second round of presidential elections. In the case of Indonesia, this level was set at a minimum of 20% of votes cast in more than half of the country's provinces (there were 34 of them in 2017). Taking into account the requisite number of rounds with the requirement, the minimal percentage of votes and the number of regions involved, it should be said that the principles of the requirement for a spatial distribution of votes in presidential elections are more stringent in Nigeria. But, although in both countries the requirement is accompanied by a requirement of obtaining majority support, which is typical for elections for a single-person office, in the case of Nigeria it is only a requirement to obtain a relative majority of votes, while in the case of Indonesia, it is an absolute majority.

4.2. Does the institution of the requirement in question meet the goals for which it was established?

An in-depth, especially a comparative, examination of the full consequences of the introduction of the requirement for a spatial

distribution of votes in presidential elections is not possible for the moment, mostly for the reason that this requirement has not functioned in democratic conditions for very long.

In this context, the question that should be raised at the outset is whether the institution of the requirement for a spatial distribution of votes in presidential elections is democratic. It stands out from among the institutions typically found in liberal majoritarian democracies. This currently prevalent model of democracy usually precludes a situation in which the arithmetic victor of presidential elections, i.e., one who has obtained a majority of votes (a relative or absolute majority, depending on legal requirements in force) is not allowed to assume office,[38] because the support he has obtained did not assume the appropriate spatial distribution in a specified majority of a given country's regions. Yet in order to determine the democratic credentials of the requirement in question, the social acquiescence implied by its presence in the given country's constitution should be sufficient. Were this not the case, it would be equally reasonable to question the fact that in long established western democracies, some of which are monarchies, the head of state is not even elected. The grounds for questioning the democratic nature of such an institution are certainly more solid than in the case of the requirement in question.

Nevertheless, of the countries in which the requirement under examination exists, only in Indonesia is there a democratic regime. All the reports concerning the state of democracy in the world published thus far by the respected Economist Intelligence Unit (Democracy Indexes 2006, 2008, 2010-2016) indicate that Indonesia is today considered to be – in keeping with the extensive criteria adopted by the authors of these reports – a democratic state, and specifically as a state with a flawed democratic regime. Similarly, D.L. Horowitz defines Indonesia as a low-quality democracy,[39] because, as he puts it, there remain areas of delayed development in that country.[40] Among the most important of these, D.L Horowitz names four: the special status of the army (which continues to influence political life and whose violations of the law often go

[38] Specific arrangements in this regard exist in the United States, but their character is different from that of the requirement in question.

[39] Horowitz, *Constitutional Change and Democracy…*, p. 207.

[40] Ibid., p. 209.

unpunished), an excess of corruption, a deficit of the rule of law and a high level of religious intolerance.[41]

Since the Democracy Indexes were first published, in all its editions until 2014, Nigeria was classified as authoritarian state, and since 2015, as a state with a hybrid regime. This is the more significant as the democratic character of the presidential elections held in Nigeria before 2015 was highly questionable, as were their results.

Importantly, never has a favorite candidate in a presidential election in any country where a spatial distribution of votes in presidential elections is required not acceded to the office of president for failing to meet it.

And so, in Nigeria under the rule of the Constitution of the so-called Fourth Republic from 1999, presidential elections took place in 2003, 2007, 2011 and in 2015. According to official results, each time one of the candidates won in the first round and always obtained over 50% of votes cast, despite the fact that in that country, a candidate who simply obtained the greatest number of votes cast, i.e., who has won a relative majority, can win the elections if he meets the requirement for a spatial distribution of votes.[42] It is considered that only the elections of 2015 have been conducted in keeping with democratic standards.[43]

From 1979 to 1999, presidential elections were held four times. In 1979 and in 1983 the leading candidate won the elections in the first round by obtaining a relative majority of votes,[44] while in 1993 and 1999 the

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[41] For more on this subject, see Krzysztof Trzciński, '„Demokracja o niskiej jakości" ("low-quality democracy") – zasadność stosowania pojęcia i Horowitzowska egzemplifikacja na przykładzie Indonezji' ['"Low-Quality Democracy" – The Validity of the Concept and the Horowitz's Exemplification: The Case of Indonesia'], *Studia Polityczne* [Political Studies], Vol. 44, No. 4, 2016, pp. 167–189.

[42] 19 April 2003 Presidential Election, 21 April 2007 Presidential Election & 16 April 2011 Presidential Election, in African Elections Database, Elections in Nigeria:
http://africanelections.tripod.com/ng.html#2003_Presidential_Election (accessed 26.10.2017);
http://africanelections.tripod.com/ng.html#2007_Presidential_Election (accessed 26.10.2017);
http://africanelections.tripod.com/ng2007presidential.pdf (accessed 26.10.2017);
http://africanelections.tripod.com/ng.html#2011_Presidential_Election (accessed 26.10.2017).

[43] 'Nigeria: Setting an Example?' in *The Economist Intelligence Unit's Democracy Index 2015: Democracy in an Age of Anxiety*:
https://www.eiu.com/public/topical_report.aspx?campaignid=DemocracyIndex2015 (accessed 28.10.2017).

[44] 11 August 1979 Presidential Election & 6 August 1983 Presidential Election, in African Elections Database, Elections in Nigeria:

leading candidate also won the elections in the first round, but with an absolute majority of votes.[45]

The situation in the imperfect Indonesian democratic system looks somewhat different. Following the introduction, in 2001-2002, to the Constitution of 1945 of the Third and Fourth amendments, the election of the president of Indonesia was conducted through universal suffrage three times – in 2004,[46] in 2009,[47] and in 2014.[48] Only the 2004 elections had two rounds, and this was connected with the fact that the leading candidate did not obtain in the first round the required more than half of the votes cast in the entire country.

Leaving aside the question of the degree to which the presidential elections in Nigeria and Indonesia are truly democratic, the above-mentioned facts should not be interpreted as supporting the thesis that the requirement in question is of no practical significance. Quite the opposite, they suggest that the victorious candidates in elections are politicians whose views and acts, especially in matters that are sensitive for inter-ethnic relations are moderate in character. Moderation in politics allows them to obtain a wider degree of support than that from their own ethnic group. What's more, this moderation is characteristic for them during the exercise of their presidential authority and can lead to their re-election.

Nigeria and Indonesia have presidential systems, of which the institution of vice-president is an inherent part. Given this, one can equally well conclude that, for example, the selection by a candidate in presidential elections of a partner for the office of vice-president of a different ethnic

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http://africanelections.tripod.com/ng.html#1979_Presidential_Election (accessed 26.10.2017); http://africanelections.tripod.com/ng.html#1983_Presidential_Election (accessed 26.10.2017); http://africanelections.tripod.com/ng1983presidential.pdf (accessed 26.10.2017).

[45] 12 June 1993 Presidential Election & 27 February 1999 Presidential Election, in African Elections Database, Elections in Nigeria: http://africanelections.tripod.com/ng.html#1993_Presidential_Election (accessed 26.10.2017); http://africanelections.tripod.com/ng.html#1999_Presidential_Election (accessed 26.10.2017).

[46] The Carter Center 2004 Indonesia Election Report, June 2005: http://www.cartercenter.org/documents/2161.pdf (accessed 28.10.2017).

[47] A. Ufen, 'The Legislative and Presidential Elections in Indonesia in 2009', *Electoral Studies: An International Journal*, No. 2, 2010, p. 284.

[48] International Foundation for Electoral Systems, Final Results of the 2014 Presidential Election in Indonesia Announced, July 22, 2014: http://www.ifes.org/Content/Publications/News-in-Brief/2014/July/Final-Results-of-the-2014-Presidential-Election-in-Indonesia-Announced.aspx (accessed 28.10.2017).

origin than his own could also have a positive effect on the electoral outcome.[49] Such a situation has always been the case in Nigeria, and is frequent in Indonesia. In addition, in Nigeria the vice-president is customarily of a different religion than that of the president.

The requirement for a spatial distribution of votes in presidential elections is one of several centripetal institutions simultaneously functioning in Nigeria and Indonesia. Its role can not be justly appraised without taking into account the wider context of the long-term functioning of power-sharing type political systems in conditions of democracy, which accords such systems their legitimacy and makes them more transparent. In such a context, one can already say that the requirement in question could be important in the process of choosing moderate candidates for the offices of president and vice-president, and in the process of formulating such political programs that hold no preferences for specific ethnic groups, but whose character in conditions of a multi-ethnic society is integrative.

At this stage, there is still a lack of convincing evidence corroborating the thesis that the existence of the requirement for a spatial distribution of votes in presidential elections could help to stabilize the political situation and, especially, to reduce the importance of conflictive behaviour in relations between ethnic segments in Nigeria and Indonesia. Although it is true that the intensity of inter-segmental conflicts in those two countries in the beginning of the 21st century is lesser than in the 20th century,[50] this fact cannot be attributed directly and solely to the application of the requirement in question. Many other factors can be just as influential in terms of reducing the importance of conflictive behaviour in relations between ethnic groups. Such factors may include the many other types of centripetal, but also consociational, power-sharing institutions that exist in both Nigeria,[51] and Indonesia.[52]

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[49] For the example of Kenya, see The Results of the 2013 Kenyan Presidential Election, African Studies Center Leiden: http://www.ascleiden.nl/news/results-2013-kenyan-presidential-election (accessed 28.10.2017).

[50] The opposite situation takes place in Kenya, where the requirement in question is also applied.

[51] For more on this subject, see Krzysztof Trzciński, 'How Theoretically Opposite Models of Interethnic Power-Sharing Can Complement Each Other and Contribute to Political Stabilization: The Case of Nigeria', *Politeja*, Vol. 42, No. 3, 2016, pp. 53–73: http://www.akademicka.pl/ebooks/free/c3b7109ec2dbc4b3834ccd59bc1d59d3.pdf (accessed 28.10.2017).

[52] For more on this subject, see Krzysztof Trzciński, 'Hybrid Power-Sharing in Indonesia', *Polish Political Science Yearbook*, Vol. 46, No. 1, 2017, pp. 168–185:

Intuition suggests, however, that D.L. Horowitz is right when he states that the requirement of a spatial distribution of votes in presidential elections is an example of a solution favoring less conflictive behaviour in mutual relations between politicians in multi-segmental societies, especially if this institution is accompanied by other ones introduced for the same purpose.

http://www.marszalek.com.pl/yearbook/docs/46-1/ppsy2017111.pdf (accessed 28.10.2017).

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3. Kareen Pfeifer, 'Is There an Islamic Economics?' in *Political Islam. Essays from MiddleEast Report*, Joel Beinin and Joe Stork (eds.), Berkeley and Los Angeles: University of California Press, 1977, p. 155.
4. Zygmunt Komorowski, *Kultury Afryki Czarnej* [Cultures of Black Africa], Wrocław: Ossolineum, 1994, p. 89.
5. L. Dimond, 'Rethinking of Civil Society', *Journal of Democracy*, Vol. 5, No. 3, July 1994, p. 4.
6. Tafsir of IbnKathir: http://www.qtafsir.com (accessed 20.11.2011).

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7. Pfeifer, Is There an Islamic…, p. 154.
8. Ibid., p. 186.
9. Ibidem.

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